

ORDINANCE NO. 2021-06

AN ORDINANCE AMENDING CHAPTER 8.17 TO THE WALLA WALLA MUNICIPAL CODE REGARDING ALARM SYSTEMS AND TAKING OTHER ACTION IN CONNECTION THEREWITH

WHEREAS, section 35A.11.020 of the Revised Code of Washington grants the Walla Walla City Council all powers possible for a city or town to have under the Constitution of this state, and not specifically denied to code cities by law and authorizes it to adopt and enforce ordinances of all kinds relating to and regulating its local or municipal affairs and appropriate to the good government of the city; and

WHEREAS, this jurisdiction finds that a high incidence of false alarms causes a significant misuse of the staffing and resources of Dispatch and the Walla Walla Police Department by causing the dispatch of emergency units to the scene of a false alarm, which renders them out of service and unavailable to respond to legitimate emergency situations; and

WHEREAS, this jurisdiction finds that the continued high incidence of false alarms is a threat to the health, safety and welfare of the citizens of the City of Walla Walla; and

WHEREAS, unless there is a separate indication that there is a crime in progress, this jurisdiction finds that suspension of service to locations with multiple false alarms would serve the greater public health, safety and welfare; and

WHEREAS, the Walla Walla City Council has considered adoption of this ordinance during a regularly and duly called public meeting of said Council, has given careful review and consideration to said ordinance, and finds said ordinance to be in the best interests of the City of Walla Walla,

NOW THEREFORE, the City Council of the City of Walla Walla do ordain as follows:

Section 1: Section 8.17.010 of the Walla Walla Municipal Code is hereby revised as follows (added terms are underlined and removed terms are stricken):

8.17.010 Purpose.

~~A.~~ The purpose of this ~~C~~chapter is to encourage ~~Owners and Alarm Businesses~~ persons to properly install, use, and maintain the operational effectiveness of ~~A~~alarm ~~S~~systems in order to improve the reliability of ~~A~~alarm ~~S~~systems and reduce or eliminate ~~F~~false Burglar Aalarms.

~~B. This Chapter governs Burglar Alarm Systems intended to summon Police department personnel, requires registration, assessment of fees for excessive False Burglar Alarms, provides procedures for repeat offenders, and provides an effective date.~~

Section 2: Section 8.17.020 of the Walla Walla Municipal Code is hereby revised as follows (added terms are underlined and removed terms are stricken):

8.17.020 Definitions.

As used in this Chapter, the following words and terms shall have the following meanings:

~~A. Adopted Code(s) All codes, regulations and statutes adopted by the City of Walla Walla.~~

~~B. Arming Station means a device that allows control of an "Alarm" System.~~

~~C. Automatic Voice Dialer means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio signal, transmission or other communication system, to a law enforcement, public safety or emergency services agency requesting the dispatch of emergency services.~~

B. "Automatic alarm" means a device capable of automatically, without human action, requesting (implied or directly) emergency services be dispatched.

C. "Automatic voice dialers" may be used to alert the Person owning the alarm system. The Person owning an alarm system shall not use Automatic Voice Dialers directly to contact Dispatch or the Walla Walla Police Department.

~~D. Authority Having Jurisdiction (AHJ) means the Chief of Police or his or her designated representative.~~

~~E. Burglar Alarm Administrator means a person designated by the governing authority to administer, control and review False Burglar Alarm reduction efforts and administer the provisions of this Chapter.~~

~~F. Burglar Alarm Installation Company means a Person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing a Burglar Alarm System in a Burglar Alarm Site.~~

~~G. Burglar Alarm Registration means authorization granted by the Alarm Administrator to an Alarm User to operate an Alarm System.~~

~~H. Burglar Alarm Dispatch Request means a notification to a law enforcement agency that an alarm, either manual or automatic, has been activated at a particular Alarm Site.~~

~~I. Burglar Alarm Site means a single fixed premises or location served by an Alarm System or Systems. Each unit, if served by a different street address and integrated in a multi-unit building or complex, shall be considered a separate Alarm Site.~~

~~J. Burglar Alarm System a system or portion of a combination system consisting of components and circuits arranged to monitor and/or exterior annunciate the status of a burglar alarm.~~

~~K. "Cancellation" means the response is terminated by a Monitoring security Company notifying the responding law enforcement agency Dispatch that there is no existing situation at the Alarm Site requiring law enforcement response.~~

~~E. "Control Panel Standard" means that all control panels should be United Laboratory (UL), or other nationally recognized testing organization, and will be marked appropriately as meeting the ANSI/SIA CP-01-2014 false alarm reduction standard.~~

~~M. Conversion means the process by which one Alarm Installation Company or Monitoring Company services and/or Monitors a previously unmonitored Alarm System or an alarm previously serviced or monitored by another alarm company.~~

~~N E. 9-1-1 "Dispatch" is officially known as the Walla Walla Public Safety Emergency Communications - Center (WESCOM). Dispatch receives calls for Law Enforcement, Fire and Emergency Medical Services. Personnel prioritize, process and dispatch these calls professionally and promptly while maintaining radio and telephone communications.~~

~~G. "Emergency" means a situation where there is a need, or reasonable cause to believe there is a need, for emergency services. "Emergency" shall include, but is not limited to, burglaries, robberies, and fires.~~

~~H. "Emergency services" means services provided by the Walla Walla Police Department or other agencies in response to an immediate need for service to address public health and safety concerns. "Emergency services" include law enforcement~~

services, fire services, and medical services to address out-of-hospital acute medical care, transport to definitive care, and other medical transport to patients with illnesses and injuries that prevent the patient from transporting themselves.

I. “False alarm” means a signal, transmission, or other communication to the Walla Walla Police Department, whether intentionally made or not, to which it can reasonably be expected that the Walla Walla Police Department will dispatch emergency services when, in fact, there is no need for emergency services nor is there reasonable belief for need of emergency services. A false alarm includes situations when no crime was being committed and no medical emergency was occurring. A false alarm is often caused by human error and/or faulty equipment.

J. “Faulty alarm system” means an alarm that automatically summons emergency services when no emergency exists. The summoning of emergency services may be by:

1. Automatic telephone call directly to the Walla Walla Police Department, Dispatch;
2. Security company that in turn contacts the Walla Walla Police Department or Dispatch; or by
3. Creation of loud sounds or noises that cause others to phone law enforcement.

~~Q. — Duress Alarm is a silent Alarm System signal generated by the entry of a designated code into an Arming Station in order to signal that the Alarm User is being forced to turn off the system requiring law enforcement response.~~

~~P. — False Burglar Alarm means a Burglar Alarm Dispatch Request when the responding law enforcement officer finds no evidence of a criminal offense after having completed a timely investigation of the Alarm Site.~~

~~Q. — Holdup Alarm means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.~~

~~R. — Local Burglar Alarm System means any Burglar Alarm System not monitored, that annunciates an alarm only at the Alarm Site.~~

~~S. — Monitoring means the process a Monitoring Company receives signals from an Alarm System and relays a 9-1-1 Dispatch Request for the purpose of summoning law enforcement to the Alarm Site.~~

~~T. — Monitoring Company means a Person in the business of providing Monitoring services.~~

~~U. — One Plus Duress Alarm means the manual activation of a silent alarm signal by entering a code that adds one to the last digit of the normal arm/disarm code (e.g., normal code = 1234, One Plus Duress Code = 1235)~~

~~V. — Owner means any Person, who owns or operates an Alarm System, monitored or not monitored from an Alarm Installation company or Monitoring Company.~~

~~W. — Owner Awareness Class means a class conducted for the purpose of educating Alarm Users about the responsible use, operation and maintenance of Alarm Systems and the problems created by False Alarms.~~

~~X. — Panic Alarm means an audible alarm signal generated by the manual activation of a device intended to signal a life threatening situation requiring law enforcement response.~~

~~Y K. Person means an individual, corporation, partnership, association, organization or similar entity who owns or operates an alarm system, monitored or not monitored, from an alarm installation company or monitoring company. Only the owner or the owner's designee should submit the completed alarm registration form pursuant to this chapter.~~

L. "Police Department" means the Walla Walla Police Department. References to "law enforcement" also refer to the Walla Walla Police Department.

M. "Security company" means any individual, corporation, partnership, firm, or other legal entity that designs, installs, maintains electronic alarms, or operates a private communication center for receiving and transmitting emergency calls from alarms.

N. "Semi-automatic alarm" means a device of whatever nature capable of requesting, whether implicitly or directly, the dispatch of emergency services; such a device may require human activation but shall not include telephone communication where a non-recorded, human voice requests emergency services.

~~Z. — Responder means an individual capable of reaching the Alarm Site within 30 minutes and having access to the Alarm Site and the code to the Alarm System.~~

~~AA. — Takeover means the transaction or process by which an Alarm User takes over control of an existing Alarm System, which was previously controlled by another Alarm User.~~

~~BB. Verify means an attempt by the Monitoring Company, to contact the Alarm Site by electronic means, whether or not actual contact with a Person is made, to determine if an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary Alarm Dispatch Request.~~

~~CC. Zones means division of devices into which an Alarm System is divided to indicate the general location from which an alarm System signal is transmitted.~~

Section 3: Section 8.17.030 of the Walla Walla Municipal Code is hereby revised as follows (added terms are underlined and removed terms are stricken):

8.17.030 Registration of ~~Burglar~~ Alarm Systems

Dispatch shall maintain a central registry of all persons maintaining an alarm within the City of Walla Walla limits.

A. ~~A~~ Registration ~~shall be~~ is required for any existing or new ~~Burglar A~~alarm ~~S~~systems operating within the incorporated areas of the City of Walla Walla, whether an automatic alarm or a semi-automatic alarm.

B. ~~A twenty dollar (\$20) registration fee will be assessed for each registration.~~ Alarm Registration Form. The Alarm Registration Form shall be completed and submitted to the City of Walla Walla and shall include:

1. Name, address and phone number of the person owning the system;
2. Address and phone number of the authorized primary and secondary contacts;
3. Location of the alarm system;
4. Type of alarm (fire or burglar) being registered; and
5. Such other information the Walla Walla Police Department deems advisable for the protection of public safety.

C. ~~Registrations shall not be transferable from one Premises to another or from one Owner to another.~~ An alarm system may be registered without charge. Also, no fee will be charged for submitting changes or amendments in registration information. Persons are encouraged to provide updates whenever contact information has changed.

~~D. Every Burglar Alarm Company shall notify the AHJ of the existence of a Burglar Alarm System prior to the Burglar Alarm System being put into operation. It shall be the responsibility of the installer to provide the Owner with notice of the existence of this~~

~~Chapter, a Registration form and a copy of the Burglar Alarm System operation instructions in accordance with Adopted Codes, and the manufacturer's instructions.~~

~~E. The Registration form shall include the following information:~~

~~1. The name(s), address of the Premises, mailing address (if different from the address of the Premises), business and home telephone number of the Owner, lessee, operator, manager or person in possession of the Premises wherein the Burglar Alarm System is installed;~~

~~2. The name, address and telephone number of a minimum of two (2) persons who can be notified by the AHJ, in the event of the activation of the Burglar Alarm System, and who shall be capable of responding to the Premises within one half (1/2) hour of notification, and who are authorized to enter the Premises;~~

~~3. The name, address and telephone number of the Burglar Alarm Company which has contracted to service the Burglar Alarm System and proof of proper state licensing/registration with the Walla Walla Police Department, if required. Proof of proper state licensing may be a valid state licensing number;~~

~~4. The date Burglar Alarm System is placed in operation;~~

~~5. Any other documentation relevant to the property or required by AHJ.~~

~~F. When any of the information required by subsection (E)(1), (E)(2), or (E)(3), herein, is changed or modified, it shall be reported to the AHJ by the Owner within fifteen (15) calendar days of change or modification.~~

~~G. The Burglar Alarm installer shall complete and deliver the Burglar Alarm System Registration in the required format to the AHJ before the Burglar Alarm System is activated or placed into service.~~

Section 4: Section 8.17.040 of the Walla Walla Municipal Code is hereby revised as follows (added terms are underlined and removed terms are stricken):

8.17.040 System Certification Duties of an Alarm System Owner.

A person owning the alarm system shall:

A. Maintain the alarm site and the alarm system in a manner that will minimize or eliminate false alarms;

B. Make every reasonable effort to arrive at the alarm system's location within thirty minutes after being requested by the monitoring company or Walla Walla Police Department to deactivate an alarm system and/or provide access to the alarm site;

C. Provide to the security company the names and phone numbers of at least two individuals who are able and have agreed to receive notification of an alarm system activation at any time and will provide access to the alarm site and de-active the alarm system if necessary;

D. Notify their security company when the contact information changes; and

E. Submit an updated alarm registration form to Dispatch when the contact information changes.

~~An Owner shall maintain the Burglar Alarm Site and the Burglar Alarm System in a manner that will minimize or eliminate False Burglar Alarms, and make every reasonable effort to have a Responder to the Burglar Alarm System's location within 30 minutes when requested by law enforcement in order to:~~

~~A. deactivate a Burglar Alarm System;~~

~~B. provide access to the Burglar Alarm Site; and/or~~

~~C. provide alternative security for the Burglar Alarm Site.~~

~~An Owner shall adjust the mechanism or cause the mechanism to be adjusted so the audible alarm signal on the exterior of a Burglar Alarm Site will sound for no longer than ten (10) minutes after being activated. Those sites requiring a longer period may appeal to the Authority Having Jurisdiction.~~

Section 5: Section 8.17.050 of the Walla Walla Municipal Code is hereby revised as follows (added terms are underlined and removed terms are stricken):

8.17.050 ~~Inspection, Testing and Maintenance~~ Public Nuisance Declared.

The operation of a faulty alarm system within the City of Walla Walla is a public nuisance.

~~A. The Owner shall ensure all Burglar Alarm Systems are inspected and tested at least once per year in accordance with Adopted Codes.~~

~~B. The Owner shall ensure all Burglar Alarm Systems are maintained per manufacturer specifications and Adopted Codes.~~

~~C. An alarm User shall not use Automatic Voice Dialers directly to 9-1-1 Dispatch or any law enforcement agency.~~

~~D. An Alarm user shall maintain at each Burglar Alarm Site, a set of written operating instructions for each Alarm System.~~

Section 6: Section 8.17.060 of the Walla Walla Municipal Code is hereby revised as follows (added terms are underlined and removed terms are stricken):

8.17.060 ~~Burglar Alarm Activation; Response~~ Required Corrective Action for False Alarms

Unless there is separate indication there is a crime in progress, the Walla Walla Police Department may refuse law enforcement response to an alarm dispatch request for an alarm site that has excessive false alarms, such as when six or more false alarms occurred within the ninety days preceding activation of an alarm. Dispatch will organize and maintain a log of alarm calls that law enforcement has determined was a false alarm. Every time the Walla Walla Police Department responded to an alarm and found it was a false alarm will count in that tally, regardless of the time span since the last false alarm.

~~A. The Owner shall be responsible for the activation of a Burglar Alarm System.~~

~~B. A response to the activation of a Burglar Alarm System shall occur from any officer or member of the Police Department being dispatched to the Premises where the Burglar Alarm System has been activated.~~

~~1. At the time of response, Walla Walla Public Safety Communications shall notify any person identified in the Registration required pursuant to subsection 8.17.030(E) of the activation of the Burglar Alarm System and, at that time such person is required to respond to the Premises.~~

~~2. In the event the Burglar Alarm System is a Monitored System, it is the responsibility of the company monitoring the Burglar Alarm System to notify any person identified in the registration at the request of the AII.~~

Section 7: Section 8.17.070 of the Walla Walla Municipal Code is hereby revised as follows (added terms are underlined and removed terms are stricken):

8.17.070 ~~False Burglar Alarms~~ Governmental Immunity.

Neither registration of an alarm system nor the provisions of this chapter are intended to, nor will they, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. When registering an alarm system, the Person registering it acknowledges the Walla Walla Police Department response may be based on factors such as availability of law enforcement officers, priority of calls, weather conditions, traffic conditions, emergency conditions, and staffing levels. The City of Walla Walla, its officers, employees and agents shall not assume any duty or responsibility for the installation, maintenance, operation, repair or effectiveness of any privately owned alarm systems. Those duties or responsibilities being solely those of the Person owning the premises.

~~A. — In the event the activation of a Burglar Alarm System is deemed by the AHJ to be a False Burglar Alarm, the Owner shall be provided a copy of the Burglar Alarm Dispatch Request by an officer or member of the police department, indicating that the activation was deemed to be the result of a False Burglar Alarm.~~

~~1. — Upon receipt of a Burglar Alarm Dispatch Request, the Owner shall return to the AHJ a completed Report of Service/Repair within fifteen (15) calendar days of receipt of the Burglar Alarm Dispatch to verify, to the reasonable satisfaction of the AHJ, that:~~

~~a. — the Burglar Alarm System has been examined by a Qualified Burglar Alarm Technician; and~~

~~b. — a bona fide attempt has been made to identify and correct any defect of design, installation or operation of the Burglar Alarm System which was identified as the cause of the False Burglar Alarm.~~

~~2. — Failure to return a Report of Service/Repair within said fifteen (15) calendar day period, which is satisfactory to the AHJ, may result in assessment against the Owner of a Fee of fifty dollars (\$50).~~

Section 8: Section 8.17.080 of the Walla Walla Municipal Code is hereby revised as follows (added terms are underlined and removed terms are stricken):

8.17.080 Service Fees Enforcement Authority Reserved.

Nothing in this chapter shall limit the City of Walla Walla or Walla Walla Police Department's ability to enforce criminal or civil nuisance statutes with respect to faulty alarm systems. This encompasses all codes, regulations, and statutes adopted by the City of Walla Walla.

~~A. — The provisions of this Section shall not apply to any newly installed Burglar Alarm Systems for a period of seven (7) days from the date of installation, but shall apply from and after the expiration of the initial seven (7) day period following installation.~~

~~B. — Should any Fee assessed pursuant to this Chapter remain unpaid in excess of ninety (90) days from the date Fee is billed, a late Fee in the amount of twenty five dollars (\$25) per day in excess of ninety (90) days may be assessed and may be payable by the Owner of the Premises in addition to the original Fee.~~

~~C. — False Burglar Alarm~~

~~1. — No Fee shall be assessed for the first three (3) False Burglar Alarms at the same Premises responded to by the Police department during a running six month period. Thereafter, the Owner shall be assessed a fee in accordance with subsection 8.17.080(C)(5) for False Burglar Alarms, in excess of three, responded to by the Police department at the same Premises during a running six month period, except when the Burglar Alarm Company is responsible for the False Burglar Alarm pursuant to subsection 8.17.080(C)(2).~~

~~a. — In determining the number of False Burglar Alarms, multiple alarms occurring in any twenty four (24) hour period shall be counted as one False Burglar Alarm; to allow the Owner time to take corrective action unless the False Burglar Alarms are directly caused by the Owner.~~

~~2. — The Burglar Alarm Company may be assessed a Fee of twenty five dollars (\$25) if an AHJ determines that a False Burglar Alarm was directly caused by an onsite employee or representative of the Burglar Alarm Company. In this event, no False Burglar Alarm shall be counted against the Owner.~~

~~3. False Burglar Alarms activated by any components connected to the Burglar Alarm System shall be included in computing the total number of False Burglar Alarms for purposes of this subsection.~~

~~4. The activation of a Burglar Alarm System will not be considered a False Burglar Alarm if the alarm is activated due to causes beyond the control of the Owner.~~

~~5. The following fees shall be assessed for False Burglar Alarms:~~

<u>Number of False Burglar Alarms</u>	<u>Service Fee Per False Burglar Alarm</u>
First to Third	0
Fourth	\$50
Fifth	\$100
Sixth and above	\$200

Section 9: Sections 8.17.100, 8.17.110, and 8.17.120 of the Walla Walla Municipal Code are hereby repealed.


Section 10: The City Clerk and the codifiers of this ordinance are authorized to make necessary clerical corrections to this ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 11: If any portion or part hereof shall be determined to be invalid or unenforceable, it shall be deemed severable from the remainder hereof.

Section 12: This ordinance shall take effect in the manner provided by law.


Section 13: The Walla Walla City Clerk is authorized to publish a summary of this ordinance in such form approved by the City Attorney.

PASSED by a majority of the whole membership of the City Council of the City of Walla Walla, Washington, on April 28, 2021.


Tom

Mayor

Attest:



Kammy
City Clerk

Approved as to form:



Tina
City Attorney

SUMMARY OF ORDINANCE 2021-06

AN ORDINANCE AMENDING CHAPTER 8.17 TO THE WALLA WALLA MUNICIPAL CODE REGARDING ALARM SYSTEMS AND TAKING OTHER ACTION IN CONNECTION THEREWITH

The Walla Walla City Council passed an ordinance at its April 28, 2021 regular meeting which in summary amends chapter 8.17 of the Walla Walla Municipal Code to require registration of any existing or new alarm systems operating within the incorporated areas of the City of Walla Walla, whether an automatic alarm or a semi-automatic alarm, in a registry maintained by the Walla Walla Emergency Communications Center (WESCOM). The ordinance specifies duties of alarm system owners and provides that the Walla Walla Police Department may refuse law enforcement response to an alarm dispatch request for an alarm site that has excessive false alarms, such as when six or more false alarms occurred within the ninety days preceding activation of an alarm unless there is separate indication there is a crime in progress. The ordinance reserves governmental immunity and municipal authority to enforce criminal and civil nuisance statutes with respect to faulty alarm systems.

The full text of the ordinance will be mailed upon request made to the Walla Walla City Clerk at Walla Walla City Hall, 15 N. Third Ave., Walla Walla, WA 99362.

Summary approved as to form



City Attorney



ar-4192

Pgs. 12-27

City Council - Regular Meeting

Meeting Date: 04/28/2021

Item Title: Repeal/Modify the 2002-28 Burglar Alarm Ordinance and Approve a Revised Burglar Alarm Ordinance

Submitted For: Deborah Minter, Police Department

Project No:

N/A

Financial Comments:

\$480 estimated revenue reduction. The revenue for registering a new burglar alarm system is being placed under bars 13100000.342100 Law Enforcement Services.

All Contracts:

Not Applicable

Federally funded contracts only:

Not Applicable

Construction contracts only:

Not Applicable

Brief Summary of Requested Action:

Repeal or modify in accordance with this request for adjustment of the existing Burglar Alarm Ordinance (Ordinance 2002-28). The most critical component of a burglar alarm ordinance is to obtain critical contact information in times of alarm activation. This ordinance removed fees to encourage owners of burglar alarm systems to register and keep contact information updated.

Information

HISTORY:

The current Burglar Alarm Ordinance (Ordinance 2002-28) was approved nineteen years ago. It charges a \$20 fee to register new burglar alarm systems. And, while no fee was assessed for the first three false burglar alarms occurring during a continuous six-month period, fees were assessed as the fourth for \$50, the fifth for \$100, and six and above for \$200 each. For years we have found few alarm systems were being registered, so contact information for responsible parties was limited or unavailable. In addition, our current CAD system was not designed for tracking false alarm data, so billing of false alarms ceased in August 2016.

Officers have requested more current contact information in order to keep everyone safe. The most critical component of a burglar alarm ordinance is to obtain critical contact information in times of alarm activation. Burglar alarm systems are more likely to be registered and contact information updated whenever it changes if the related fees are removed.

The operation of a faulty alarm system within the City of Walla Walla is a public nuisance. Unless there is a separate indication there is a crime in progress, the Walla Walla Police

Department may refuse law enforcement response to an alarm dispatch request for an alarm site that has excessive false alarms, such as when six or more false alarms occurs within a rolling ninety days.

POLICY ISSUES:

There are no policy issues.

ALTERNATIVES:

There are two options. 1. Keep the existing Burglar Alarm Ordinance (2002-28) as written, or 2. Modify it as proposed in this Agenda Request or in a varying version of it.

STAFF RECOMMENDATION:

Staff recommends that Burglar Alarm Ordinance Ordinance 2002-28 be repealed or modified in accordance with this request for adjustment of the existing Burglar Alarm Ordinance.

CITY MANAGER COMMENTS:

Approved for City Council workshop discussion.

Attachments

Ord 2021-06
