

**CITY OF ILWACO
ORDINANCE NO. 853**

**AN ORDINANCE OF THE CITY OF ILWACO, WASHINGTON, ESTABLISHING A
FALSE ALARM FEE STRUCTURE AND ESTABLISHING AN EFFECTIVE DATE.**

WHEREAS, false alarms are costly and waste valuable police and fire resources;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ILWACO,
WASHINGTON, DOES ORDAIN AS FOLLOWS:**

Section 1. Chapter 9 shall be amended to add the following provision as Section 9.01:

BURGLAR AND FIRE ALARM SYSTEMS

<u>Section 1</u>	Purpose.
<u>Section 2</u>	Definitions.
<u>Section 3</u>	Emergency response card.
<u>Section 4</u>	False alarms.
<u>Section 5</u>	Ownership and maintenance.
<u>Section 6</u>	Tampering with fire and/or burglar alarm systems.
<u>Section 7</u>	Work on auxiliary systems – Notice.
<u>Section 8</u>	Automatic calling devices prohibited.
<u>Section 9</u>	Administrative decisions, notice.
<u>Section 10</u>	Appeal from administrative decision, finality.
<u>Section 11</u>	Private agencies.
<u>Section 12</u>	Violation – Penalties.

Section 1 Purpose.

It is the intent of this chapter to reduce the number of false alarms occurring within the city and resultant waste of city resources by providing for corrective administrative action, including fees and criminal penalties.

Section 2 Definitions.

- 1) “Authorized service personnel” means those persons who, by reason of their experience, trade or occupation, have met the minimum state requirements for serving such alarm systems and who are licensed by the state of Washington to work on an alarm system.
- 2) “Burglar alarm” means, for purposes of this chapter, the transmission of an alarm by automatic alarm systems and circuits leading to the connection with Pacific County Communication or any component part thereof for the purpose of summoning the police department when a burglary or emergency is occurring.
- 3) “Densely populated structures” means multi-family dwellings, schools, hospitals and similar structures.

- 4) "False alarm" means:
 - (a) The activation of a burglar and/or a robbery alarm for the purposes of summoning the police at a time when no burglary or robbery is being committed or attempted on the premises; or
 - (b) The activation of a fire alarm, or any other alert to authorities, for the purposes of summoning the fire department at a time when no fire or emergency is occurring.
 - (c) The activation of a fire alarm caused by defective or improperly maintained equipment for the purpose of summoning the fire department at a time when no fire or emergency is occurring.
- 5) "Fire alarm" means, for the purposes of this chapter, the transmission of an alarm by automatic alarm systems, circuits, and/or telephones leading to the connection with Pacific County Communication or any component part thereof for the purpose of summoning the fire department when a fire or emergency is occurring.
- 6) "Person" means any natural person, firm, partnership, corporation or unincorporated association.
- 7) "Premises" means any building, structure, enclosure, real property or vehicle.

Section 3 Emergency response card.

It is unlawful to have or maintain on any premises a burglary and/or robbery alarm or fire alarm unless there is on file with the police department an emergency response card containing no more than (3) three names and current phone numbers of persons authorized to enter the premises if summoned. Names and phone numbers shall be provided in writing to the Long Beach police department.

Section 4 False alarms.

(1) Police. Each and every burglary alarm system requiring a response within the City of Ilwaco shall be allowed two automatic false alarms during any calendar year. Thereafter, false alarms shall be assessed a fee as follows: 3rd False alarm in the calendar year \$50.00, 4th False Alarm in the calendar year \$100.00, 5th and subsequent alarms in the calendar year \$200.00.

(2) Fire. Each and every false alarm requiring a response within the City of Ilwaco shall be allowed one false alarm during any 30-day period. Thereafter, false alarms in said 30-day period shall be assessed a fee as follows: 2nd False alarm in the calendar year \$50.00, 3rd False Alarm in the calendar year \$100.00, 4th and subsequent alarms in the calendar year \$200.00.

(3) The City shall maintain a formal database of false alarms, accessible by address, for the purpose of assuring there is a record supporting Section 4 (1) and (2).

(4) Audible Alarm. Any alarm audible upon abutting property for a period in excess of 20 minutes is declared to be a public nuisance.

Section 5 Ownership and maintenance.

Ownership and maintenance of alarm systems, circuits leading to the connection with Pacific County Communications, or any component parts thereof, except as herein provided, shall remain and be the responsibility of the person owning or leasing the property.

Section 6 Tampering with fire and/or burglar alarm systems.

(1) Tampering. It shall be unlawful for any person to tamper with or to wantonly cut, break, deface, or actuate any alarm device (including auxiliary alarm devices, wires or wire supports, or appurtenances thereto), or intentionally to transmit an alarm knowing no emergency exists.

(2) Exception. Subsection (1) of this section shall not apply to city employees in the police division or fire department engaged in their official duties.

(3) Exception – Manufacturer’s Representatives. Subsection (1) of this section shall not apply to any competent representative of a manufacturer of burglar alarm equipment or fire alarm equipment who, with the consent of the chief of police or fire chief, is modifying, adjusting, altering, repairing, or replacing the system or any of its component equipment.

(4) Exception – Insurance Rating Engineer. Subsection (1) of this section shall not apply to any competent insurance rating engineer who is testing the system in discharge of his duties and with permission of the chief of police or fire chief.

Section 7 Work on auxiliary systems – Notice.

Any person doing any work on an auxiliary alarm system that may cause a signal to be transmitted over the city system shall notify the chief of police or fire chief before doing such work, stating the time and place thereof.

Section 8 Automatic calling devices prohibited.

No person shall use or operate, or attempt to use or operate, or cause to be used or operated, or arrange, adjust, program, or otherwise provide or install any device or combination of devices that will, upon activation, either mechanically, electronically, or by other automatic means, initiate a telephonic or recorded message to any telephone number assigned, or any additional telephone numbers assigned, to any telephone system of the City of Ilwaco including, but not limited to, the city of Long Beach police department or fire department.

Section 9 Administrative decisions, notice.

Notice of imposition of any administrative sanction, including the imposition of a fee or order of disconnection, under the provisions of this chapter, shall be given to the person having or maintaining a burglary, robbery and/or fire alarm on premises owned or occupied by him, providing 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 alarm shall be presumed to be the person having or maintaining said alarm on said business premises.

Section 10 Appeal from administrative decision, finality.

Any person subject to the imposition of a fee, order of disconnection or other administrative sanction under the terms of this chapter, shall have a right of appeal therefrom to a hearings officer for the City of Ilwaco, pursuant to the process established in Title 11, Chapter 4.

Section 11 Private agencies.

Any private agency, business or other entity monitoring fire, burglary or robbery alarm systems within the corporate limits of the City of Ilwaco shall notify Pacific County Communications, as the case may be, immediately upon receiving an alarm. All other notifications shall be secondary. Any private agency, business or other entity making a vehicular response to an alarm shall not display emergency lighting or otherwise disregard any traffic signals, speed restrictions or other laws in responding to said alarm.

Section 12 Densely Populated Structures

Densely populated structures which can generate inordinate numbers of unintentional alarms which are not within the definition of “false alarms” otherwise remain subject to the provisions of this Chapter; provided however that the Police Chief or Fire Chief may waive the count of any such alarms as deemed appropriate.

Section 13 Violation – Penalties.

Any person who willfully refuses to pay the amount of any citation within 30 days from the date of issuance or, if appealed, 30 days after the decision of the City of Ilwaco hearings officer shall be cited with a misdemeanor and which shall be punishable by not more than 90 days in jail and by a fine of not more than \$300 or both such incarceration and fine.

Section 2. Title 11, section 11.04.020 is amended to include Code Section 9.01 Burglar and Fire Alarm Systems.

Section 3. Severability. If any section, subsection, paragraph, sentence, clause or phrase of this ordinance is declared unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 4. Referendum and Effective Date. This Ordinance, being an exercise of a power specifically delegated to the city legislative body, is not subject to referendum, and shall take effect and is in full force five (5) days after its passage, approval and publication of an approved summary of the title as provided by law.

PASSED BY THE CITY COUNCIL OF THE CITY OF ILWACO, AND SIGNED IN AUTHENTICATION OF ITS PASSAGE THIS 24TH DAY OF AUGUST, 2015.

Mike Cassinelli, Mayor

ATTEST:

Holly Beller, City Clerk

VOTE	Jensen	Karnofski	Marshall	Chambreau	Forner	Cassinelli
Ayes	X	X	X	X	X	
Nays						
Abstentions						
Absent						

PUBLISHED: SEPTEMBER 2, 2015

EFFECTIVE: SEPTEMBER 7, 2015