

Subject: Ordinance #1506 - Update to Alarm Systems – Chapter 9.23 RMC

Dept. Origin: Fire Department
Prepared by: Jennifer Robertson, City Attorney's Office
For Agenda of: August 21, 2018
Exhibits: Ordinance #1506

Proposed Council Action:

This is on for first reading. Consider ordinance And give direction to staff. Unless directed Otherwise, this matter will return to Council For Second Reading and Action on September 4, 2018.

Initial & Date

Concurred by Mayor: _____
Approved by City Planner: _____
Approved as to form by City Atty: JSR 8-1-18
Approved by Finance Director: _____
Approved by Department Head: _____

INFORMATION / BACKGROUND

The City adopted the alarm system chapter since in June of 2009. There have been false alarms that summoned fire or medical emergency response in recent days. As written, Chapter 9.23 RMC only address false alarms for law enforcement.

In order to ensure that the chapter covers alarms for all types of emergency services, updates are necessary to include fire and medical emergency services. In the process of updating this chapter to account for fire and EMS, housekeeping amendments were also made to change "town" to "city." The reactivation fee (RMC 9.23.040) is being increased from \$20 to \$50. Finally, as technology has evolved, there are systems in place that should be prohibited as they create a problem for the emergency system. These are described in new section 9.23.055.

The revisions in this chapter were prompted by the Fire Chief. All changes were developed with both the Fire Chief and the Police Chief, both of whom support these revisions

FISCAL CONSIDERATION

The permit fees are unchanged with the exception of the reactivation fee, which is increased to \$50.

RECOMMENDATION / MOTION

No action requested. This is on for First Reading. Unless directed otherwise, this will return to Council for Second Reading and Action on September 4, 2018.

ORDINANCE NO. 1506

AN ORDINANCE OF THE CITY OF RUSTON, WASHINGTON, REGARDING ALARM SYSTEMS AND PERMITS, AMENDING CHAPTER 9.23 OF THE RUSTON MUNICIPAL CODE, AMENDING SECTIONS 9.23.005, 9.23.010, 9.23.020, 9.23.030, 9.23.040, 9.23.050, 9.23.060, 9.23.070, 9.23.080, 9.23.090 AND 9.23.100 TO MAKE HOUSEKEEPING CHANGES AND ENSURE THAT ALL EMERGENCY SERVICES ARE INCLUDED IN THE ALARM SYSTEMS CHAPTER, INCREASING THE REINSTATEMENT FEE FROM \$20 TO \$50, AND ADDING A NEW SECTION 9.23.055 TO PROHIBIT CERTAIN TYPES OF ALARM SYSTEMS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City has had an alarm system chapter since 2009; and

WHEREAS, alarms systems sometimes have false alarms which needlessly summon police, fire or medical emergency response; and

WHEREAS, in order to provide for the public safety, ensure emergency response resources are deployed quickly where actually needed, and avoid nuisance false alarms, the City has certain requirements for properties with alarms systems in city limits; and

WHEREAS, there have been false alarms that summoned fire or medical emergency response; and

WHEREAS, Chapter 9.23 RMC only address false alarms for law enforcement; and

WHEREAS, in order to ensure that the chapter covers alarms for all types of emergency services, updates are necessary; and

WHEREAS, since this chapter was adopted Ruston has reorganized and reclassified from a town to a city and therefore, the chapter should be updated to reflect this change; and

WHEREAS, the revisions in this chapter were prompted by and developed with both the Fire Chief and the Police Chief, both of whom support these revisions; and

WHEREAS, on August 21, 2018, the City Council held the first reading on this Ordinance;
and

WHEREAS, on September 4, 2018, the City Council adopted this Ordinance during its
regular meeting at second reading; **NOW, THEREFORE**

**THE CITY COUNCIL OF THE CITY OF RUSTON HEREBY ORDAINS AS
FOLLOWS:**

Section 1. Section 9.23.005 of the Ruston Municipal Code is hereby amended to read as
follows:

9.23.005 - Definitions.

Use of Words and Phrases. As used in this chapter, unless the context or subject
matter clearly requires otherwise, the words or phrases defined in this section shall
have the indicated meanings.

"Alarm administrator" means the person or persons designated by the Mayor
to administer the ~~Town~~City's false alarm reduction program.

"Alarm company" means the business, by an individual, partnership,
corporation or other entity, of selling, leasing, maintaining, servicing, repairing,
altering, replacing, moving, installing or monitoring an alarm system in an alarm
site.

"Alarm dispatch request" means a notification to an ~~law enforcement~~
emergency services agency that an alarm, either manual or automatic, has been
activated at a particular alarm site.

"Alarm permit" means the notification by an alarm company or an alarm user
to the alarm administrator that an alarm system has been installed and is in use.

"Alarm site" means a single fixed premises or location served by an alarm
system or systems. Each tenancy, if served by a separate alarm system in a multi-
tenant building or complex, shall be considered a separate alarm site.

"Alarm system" means a device or series of devices which emit or transmit a
remote or local audible, visual or electronic signal indicating an alarm condition
that is intended to or causes ~~law enforcement~~ emergency services to be summoned.

"Alarm user" means any person, firm, partnership, corporation or other entity,
other than a public law enforcement agency, a public fire agency or an emergency
medical services agency which uses or is in control of any alarm system at its alarm
site. In the case of an apartment or other rental property, the tenant shall be
presumed to be "in control" of the alarm system, but such presumption is rebuttable.

"Alarm user awareness class" means a class conducted by any municipality or ~~law enforcement~~ emergency services agency for the purpose of educating alarm users about the problems created by false alarms and responsible use and operation of alarm systems.

"Cancellation" or "responding agency alarm dispatch cancellation" is the process by which an alarm company providing monitoring verifies with the alarm user or responsible party that a false dispatch has occurred and that there is not an existing situation at the alarm site requiring ~~law enforcement~~ an emergency services agency response.

"Conversion" means the transaction or process by which one alarm company begins monitoring of a previously unmonitored alarm system or an alarm system previously monitored by another alarm company.

"Duress alarm" means a silent alarm system signal generated by the manual activation of a device intended to signal a life-threatening situation or a crime in progress requiring law enforcement response.

"Emergency services" or "emergency services agency" means a public law enforcement, public fire or public emergency medical services agency. The definition includes all three types of public agencies, whether or not combined (i.e. fire and medical).

"False alarm" means an alarm dispatch request to an ~~emergency services-law enforcement~~ agency when the responding law enforcement officer finds no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the alarm site, or a responding fire or emergency medical services agency finds no medial or fire emergency at the alarm site.

"Holdup alarm" means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

"Keypad" means a device that allows control of an alarm system by the manual entering of a coded sequence of numbers or letters.

"Local alarm system" means any alarm system that annunciates an alarm only by an internal or external audio device.

"Monitoring" means the process by which an alarm company receives signals from an alarm system and relays an alarm dispatch request to the city for the purpose of summoning ~~law enforcement~~ an emergency services response to the alarm site.

"Panic" means an audible alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

"Person" means an individual, corporation, partnership, association, organization or similar entity.

"Revocation" means the cancellation and invalidation of an alarm permit.

"Suspension" or "suspension of response" means that ~~law enforcement~~ emergency services will not respond to an alarm or to an alarm site even though an alarm dispatch request is received by ~~law enforcement~~ emergency services.

"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.

"Verify" means an attempt by the alarm company or its representative to contact the alarm site by telephonic or other electronic means, whether or not actual contact with a person is made, before requesting ~~law enforcement~~ emergency services dispatch in an attempt to avoid an unnecessary alarm dispatch request.

"Zones" are subdivisions into which an alarm system is divided to indicate the general location from which an alarm system signal is transmitted.

Section 2. Section 9.23.010 of the Ruston Municipal Code is hereby amended to read as follows:

9.23.010 - Permit requirements.

- (a) From and after July 15, 2009, no alarm user shall operate, or cause to be operated, an alarm system at its alarm site without a valid alarm permit issued by the alarm administrator. A separate permit is required for each alarm site.
- (b) All persons required to obtain a permit must complete a permit application on a form to be provided by the alarm administrator within five days of installation for new alarm systems and submit its completed application to the alarm administrator along with the appropriate fee as provided in subsection (d), below. The alarm user shall timely update its permit application to reflect any changes to the required information provided by the alarm user on its initial application. Failure to complete or update the required information shall be grounds for automatic denial of the permit.
- (c) Each permit shall be given a unique number which shall not be transferable.
- (d) The alarm system permit fees ~~for the year starting January, 2009~~ shall be:

Initial alarm permit	\$25.00
Annual renewal of alarm permit	25.00
Late fee (after 30 days) is in addition to the initial or annual fee	25.00

- (e) Each alarm permit and renewal shall require a signed acknowledgment by the alarm user of the following:

Permitting of an alarm system by the ~~Town~~City is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response by the ~~Town~~City of Ruston Police or Fire Department. 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.

- (f) Any false statement of a material fact made by an applicant for the purpose of obtaining an alarm permit shall be sufficient cause for refusal to issue or to revoke a permit.
- (g) An alarm permit cannot be transferred to another person or alarm site. An alarm user shall inform the alarm administrator, within five business days, of any change that alters any information listed on the permit application.
- (h) All fees owed by an applicant must be paid before a permit may be issued or renewed.
- (i) Any person who owns, operates, or possesses any alarm system within the ~~Town~~City limits of Ruston, which does not conform to the requirements of this section, shall disconnect that alarm and render it inoperable or alter it in accordance with this chapter no later than June 30, 2009.

Section 3. Section 9.23.020 of the Ruston Municipal Code is hereby amended to read as follows:

9.23.020 - Permit duration, renewal, and revocation.

- (a) A permit shall expire ~~one year from the date of issuance~~ on December 31st and must be renewed annually by submitting an updated application and a permit renewal fee to the alarm administrator on or before ~~January 30~~ December 31st of each calendar year. It is the responsibility of the alarm user to submit a completed renewal application, together with the required annual renewal fee, prior to the expiration of the alarm user's current permit.
- (b) The alarm administrator shall revoke a permit of any permittee whose alarm system has resulted in more than nine false alarm responses by the police or fire within a six-month period.
- (c) The alarm administrator shall notify such permittee in writing by first-class mail of the revocation of the permittee's alarm permit and the grounds therefor.
- (d) The notice shall state the specific date of revocation (which shall be no sooner than ten days after the notice is deposited in the mail), and that the police or fire may discontinue responding to alarms which occur at the premises described in the revoked permit after the date of revocation.

Section 4. Section 9.23.030 of the Ruston Municipal Code is hereby amended to read as follows:

9.23.030 - Penalties.

- (a) Any person whose alarm system/service has resulted in more than three false alarm responses by police/fire/emergency services within a six-month period shall pay a penalty to the ~~Town~~City in the following amount(s) for each such additional

false alarm within any six-month period in excess of three, in accordance with the following schedule of penalties:

Third false alarm in any six-month period:	\$ 0.00
Fourth false alarm in any six-month period:	\$ 50.00
Fifth false alarm in any six-month period:	\$100.00
Sixth or more false alarms in any six-month period:	\$200.00 per false alarm

- (b) The alarm administrator shall notify the alarm user in writing via First-Class U.S. Mail of the user's third false alarm in any six-month period; such notice shall include notice of the penalties for subsequent false alarms as set forth herein, and the alarm user's appeal rights as set forth in RMC 9.23.080.
- (c) Any person operating a nonregistered alarm system (whether permit was revoked, suspended or never acquired) will be subject to a \$200.00 fine in addition to any other fines. Failure to renew will be classified as use of a nonregistered alarm system.
- (d) An alarm user shall be subject to fines, warnings and suspension or revocation of permit depending on the number of false alarms emitted from an alarm system within a twelve-month period from the date of permit or renewal.
- (e) An alarm company will be subject to a \$200.00 fine per event if the alarm administrator determines that the alarm company has failed to comply with any of the duties set forth in this chapter or that:
 - (1) The alarm company directly caused a false alarm. In this situation the fine will be assessed against the alarm company and will not be counted against the alarm user;
 - (2) There is a consistent pattern or written policy against verification;
 - (3) An alarm company employee made a false statement concerning the inspection of an alarm site or the performance of an alarm system; or
 - (4) An alarm company continues to request ~~law enforcement~~ emergency services dispatch to an alarm site after notification that the permit has been suspended or revoked and/or is subject to enforcement and penalties set forth in this chapter.
- (f) Any due and unpaid alarm permit fee and all fines and penalties imposed by this chapter may be collected by civil action, which remedy shall be in addition to any and all other existing remedies and penalties.

Section 5. Section 9.23.040 of the Ruston Municipal Code is hereby amended to read as

follows:

9.23.040 - Permit reinstatement.

- (a) Reinstatement of a revoked permit may be made on receipt by the alarm administrator of a letter from an alarm company stating that the alarm system is operating properly and that the permittee's agents are properly trained in alarm system operation. Persons with alarms not monitored by an alarm company may request that the Chief of Police or Fire Marshal inspect the system and to authorize reinstatement if the Chief or Fire Marshal determines that it is working properly.
- (b) Reinstated permittees will be billed ~~\$20.00~~50.00 for each false alarm response within six months after reinstatement, in addition to those charges for successive false alarms set forth in Section 9.23.030.
- (c) If no other penalty is set forth for a given violation of a provision of this chapter, such operation or use of an alarm system in violation of this chapter shall constitute a civil infraction punishable by a fine of up to \$100.00 per day of violation. Each day of such operation or use shall constitute a separate offense, up to a limit of \$2,000.00 provided, that no citation or other charge for such violation shall be issued until a warning notice shall first have been issued by the ~~Marshal~~Alarm Administrator, and the owner or user shall have failed to apply for a permit during the ensuing ten days.

Section 6. Section 9.23.050 of the Ruston Municipal Code is hereby amended to read as

follows:

9.23.050 - Duties of the alarm user.

- (a) An alarm user shall maintain the premises and the alarm system in a manner that will minimize or eliminate false alarms, and shall make every reasonable effort to respond or cause a representative to respond to the alarm system's location within 30 minutes when notified by the city to deactivate a malfunctioning alarm system, to provide access to the premises, or to provide alternative security for the premises.
- (b) An alarm user shall not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.
- (c) An alarm user shall adjust the alarm system or cause the alarm system to be adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no longer than 15 minutes after being activated.
- (d) An alarm user shall have an alarm company inspect the alarm system after two false alarms in a one-year period ~~from the date of permit issuance or renewal~~. The alarm administrator may waive an inspection requirement if it is determined that a false alarm could not have been related to a defect or malfunction in the alarm system. After four false alarms within a one-year period from the date of permit issuance or renewal, the alarm user must have a properly licensed alarm company modify the alarm system to be more false-alarm resistant.

Section 7. A new section 9.23.055 is hereby added to the Ruston Municipal Code

to read as follows:

9.23.055 Certain devices, systems, uses prohibited.

- (a) No person shall operate or use an alarm system which emits an audible sound where such emission does not automatically cease within fifteen minutes.
- (b) No person shall operate or use an alarm system which automatically dials the Ruston Police Department or Ruston Fire Department directly and delivers a prerecorded message.
- (c) No person shall install, monitor, operate, or use a monitored alarm system which is not licensed as required pursuant to this chapter. Any person who fails to obtain the license or licenses required by this chapter shall be subject to the penalty provisions herein.
- (d) All monitored alarm systems subject to this chapter that are installed in the City on or after January 1, 2019, shall use alarm control panels that meet industry standard CP-01 UL listing.

Section 8. Section 9.23.060 of the Ruston Municipal Code is hereby amended to read as

follows:

9.23.060 - Duties of alarm company.

- (a) Any alarm company that sells, leases, maintains, services, repairs, alters, replaces, moves, installs or monitors an alarm system at an alarm site within the ~~Town~~City of Ruston shall obtain a ~~Town~~City of Ruston business license in accordance with Chapter 5.05 RMC.
- (b) Alarm companies shall use control panels tested for conformance to the Security Industry Association (SIA) Control Panel Standard — Features for False Alarm Reduction.
- (c) After completion of the installation, an alarm company employee shall review with the alarm user the "customer false alarm prevention checklist" approved by the alarm administrator.
- (d) An alarm company performing monitoring services shall:
 - (1) Notify the alarm user of the need to register the alarm system;
 - (2) Offer a training period in which no request for dispatch by ~~law enforcement~~ emergency services will occur during the first seven days after installation of an alarm system, but rather will use that week to train the alarm user on proper use of the alarm system unless circumstances necessitate immediate requests for response as determined by the alarm administrator;
 - (3) Report alarm signals by using telephone numbers designated by the alarm administrator;
 - (4) Utilize mandatory enhanced-call verification for every alarm signal, except a duress, panic or ~~and~~ holdup alarm activation, by making a minimum of two calls to attempt to verify an alarm prior to requesting a police or fire response.

The first call shall be to the premises protected by the activated alarm. The second call shall be to a separate off-site number such as the mobile telephone of the owner or manager of the property;

- (5) Designate an alarm company contact person, including the person's name, telephone number and email address for the alarm administrator. The contact person must be knowledgeable about alarm ordinances and have the authority to make decisions and respond to the requests of the alarm administrator;
- (6) Prepare and submit to the alarm administrator a quarterly written report listing all alarm users, alarm sites, addresses and telephone numbers for which the alarm company provides monitoring services for alarms regulated by this chapter;
- (7) Communicate alarm dispatch requests to the city police or fire department in a manner and form determined by the alarm administrator;
- (8) Communicate cancellations to the city police or fire department in a manner and form determined by the alarm administrator;
- (9) Ensure that all alarm users of alarm systems equipped with a duress or holdup alarm are given adequate training as to the proper use of the duress or holdup alarm;
- (10) Communicate any available information (north, south, front, back, floor, etc.) about the location of the alarm;
- (11) Communicate type of alarm activation (silent or audible, interior or perimeter);
- (12) Provide alarm user permit number when requesting dispatch;
- (13) Endeavor to contact the alarm user when an alarm dispatch request is made; and
- (14) Maintain, for a period of at least one year, records relating to an alarm dispatch request. Records must include the name, address and phone number of the alarm user, the alarm system zone(s) activated, the time of the alarm dispatch request and evidence of an attempt to verify. The alarm administrator may request copies of such records for individually named alarm users.

Section 9. Section 9.23.070 of the Ruston Municipal Code is hereby amended to read as

follows:

9.23.070 - Suspension of response.

- (a) The alarm administrator may suspend alarm response if it is determined that:
 - (1) The alarm user has four or more false alarms in any six-month period; or
 - (2) There is a false statement of a material fact in the application for a permit; or
 - (3) The alarm user has failed to make timely payment of a fee or fine assessed under this chapter; or

- (4) The alarm user has failed to submit a written certification from an alarm company, that complies with the requirements of this chapter, stating that the alarm system has been inspected and repaired (if necessary) by the alarm company.
- (b) Unless there is separate indication that there is a crime or other emergency in progress, the police or fire department may refuse ~~law enforcement~~ response to an alarm dispatch request at an alarm site for which the alarm permit is suspended.
- (c) If the alarm permit is reinstated, the alarm administrator may suspend alarm response if it is determined that two false alarms have occurred within 60 days after the reinstatement date.

Section 10. Section 9.23.080 of the Ruston Municipal Code is hereby amended to read as follows:

9.23.080 - Appeals.

- (a) An alarm user or an alarm company may appeal the assessment of a fine/penalty or suspension in writing to the Mayor by serving a copy of the written appeal addressed to the Mayor or the ~~Town~~City Clerk. The filing of an appeal with the Mayor stays the assessment of the fine or suspension until the Mayor issues a final decision.
- (b) The alarm user shall file a written appeal to the Mayor by setting forth the reasons for the appeal within 20 calendar days after receipt of the fine/penalty. The Mayor shall issue a final decision within 30 days of receipt of the appeal.
- (c) If the alarm administrator denies the issuance or renewal of an alarm permit, or suspends response, the alarm administrator shall send the alarm user written notice of the action and a statement of the right to an appeal the alarm administrator's decision, in writing, to the Mayor, under the procedures set forth in subsections (a) and (b) herein, within 20 days of the alarm administrator's decision.

Section 11. Section 9.23.090 of the Ruston Municipal Code is hereby amended to read as follows:

9.23.090 - Confidentiality.

Information contained in permit applications and applications for appeals shall be held in confidence by all employees or representatives of the ~~Town~~City and shall not disseminate such information to third parties unless compelled to do so by court order or applicable law.

Section 12. Section 9.23.100 of the Ruston Municipal Code is hereby amended to read as follows:

9.23.100 - Implementation of permit requirement.

All alarm users in the ~~Town~~City of Ruston shall apply for and obtain the alarm permits contemplated by RMC 9.23.020, on or before July 15, 2009.

Section 13. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

Section 14. Publication. This Ordinance shall be published by an approved summary consisting of the title.

Section 15. Effective Date. This Ordinance shall be effective five days after publication as provided by law.

ADOPTED by the City Council of the City of Ruston and attested by the City Clerk in authentication of such passage on this 4th day of September, 2018.

APPROVED by the Mayor this 4th day of September, 2018.

Bruce Hopkins, Mayor

ATTEST/AUTHENTICATED:

Judy Grams
City Clerk

APPROVED AS TO FORM:

Jennifer S. Robertson
City Attorney's Office

FILED WITH THE CITY CLERK: 8-1-2018

PASSED BY THE CITY COUNCIL: _____

PUBLISHED: _____

EFFECTIVE DATE: _____

ORDINANCE NO: 1506