

ORDINANCE No. 5655

AN ORDINANCE relating to Electronic Security Devices; redefining infractions and providing procedures for enforcement; amending Ordinance 5164 and K.C.C. 12.32.020 through 040; amending Ordinance 1952; adding new sections to Ordinances 5164 and 1952 and K.C.C. 12.32; prescribing penalties for repetitive false alarms within any calendar month and providing for a hearing therefrom.

PREAMBLE:

Many private business and private residences are equipped with security devices. The activation of such devices causes a police response. The police respond assuming a criminal act is in progress. Too often, such devices are activated through the error or omission of citizens. Such occurrences, unless prevented, can lead to situations involving potential injury. A police officer assumes that he is confronting a criminal in the act of a crime. Or, based on repeated false alarms, officers may fail to approach an alarm response with caution; when a crime is actually in progress.

BE IT ORDAINED BY THE COUNCIL OF KING COUNTY:

SECTION 1. Ordinance 5164, Section 1 and K.C.C. 12.32.020

are hereby amended to read as follows:

False Alarm - Definition. A false alarm shall mean the ~~((act-of-a person;-through-error-or-omission;-causing-any-electric;-electronic-or-mechanical-security-device-to-activate;-resulting-in-the-response-of-a-police-unit-when-in-fact-no-reasonable-basis-exist-for-activating-such-a-device.))~~ activation of a burglary or robbery alarm by other than a forced entry or attempted forced entry to the premises and at a time when no burglary or robbery is being committed or attempted on the premises.

NEW SECTION. SECTION 2. There is added to Ordinance 5164 and K.C.C. 12.32 a new section to read as follows:

Owners of premises on which an alarm system is installed shall: a) post at the main entrance to such premises, or on a contract card on file in the Department of Public Safety Communications Center, a notice of the telephone numbers at which the

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1 person or persons authorized to enter such premises can be
 2 reached at all times and turn off such alarm; b) appear and
 3 turn off any such alarm within one hour after being notified by
 4 the police to do so; c) not activate any robbery or burglary
 5 alarm for the purpose of summoning police except in the event of
 6 an actual or attempted burglary or robbery; or d) when notifying
 7 the police of an activated alarm and having knowledge that such
 8 activation was apparently caused by an electrical or other
 9 malfunction of the alarm system, fail at the same time to notify
 10 the police of such apparent malfunction.

11 NEW SECTION. SECTION 3. There is added to Ordinance 5164
 12 and K.C.C. 12.32 a new section to read as follows:

13 False Alarm - First Response. For a response to premises at
 14 which no other false alarm has occurred within any calendar
 15 month, hereinafter referred to as a "first response," no fee
 16 shall be charged, but the person having or maintaining such
 17 burglary or robbery alarm shall within three working days notice
 18 to do so make a written report to the Sheriff-Director on forms
 19 prescribed by him setting forth the cause of such false alarm,
 20 the corrective action taken and such other information as the
 21 Sheriff-Director may require to determine the cause of such
 22 false alarm and corrective action necessary.

23 SECTION 4. Ordinance 5164, Section 2 and K.C.C. 12.32.030
 24 are hereby amended as follows:

25 False Alarm - Civil Penalty. Any person or business, ((~~who~~))
 26 through error, ((~~or~~)) omission, or mechanical failure which causes
 27 two or more false alarms in any calendar month shall ((~~incur a~~
 28 ~~civil-penalty~~)) commit an infraction punishable by a civil
 29 penalty. The penalty for the second false alarm ((~~following~~
 30 ~~notice-of-violation~~)) shall be ((~~one-hundred-and-fifty~~)) fifty
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1 dollars. The penalty for the third and successive false
2 ~~((and-all-subsequent))~~ alarms ~~((in-a-calendar-month,-following~~
3 ~~notice-of-violation))~~ shall be ~~((three-hundred))~~ one hundred
4 dollars ~~((,-for-each-individual-false-alarm))~~. Any succeeding
5 false alarms as a result of failure to take the necessary
6 corrective action and/or any non-payment of any false alarm
7 charges may result in the Sheriff-Director ordering the discon-
8 nection of such alarm until such corrective action is taken and/or
9 any outstanding charges are paid; provided that no disconnection
10 shall be ordered as to any premises required by law to have an
11 alarm system in operation.

12 SECTION 5. Ordinance 5164, Section 3, and K.C.C. 12.32.040
13 are hereby amended as follows:

14 Responsibility - Issuance of Notice of Violation, Collection
15 of Civil Penalty. The Department of Public Safety shall be res-
16 ponsible to issue notices of ~~((violation))~~ infractions to persons
17 following the second and all subsequent false alarms in any
18 calendar month. The Department of Public Safety will notify the
19 King County Comptroller of the charges, fees, and penalties which
20 are to be collected. It shall be the responsibility of the King
21 County Comptroller to collect charges, fees and penalties not
22 properly cancelled and discharged.

23 NEW SECTION. SECTION 6. Any person or business cited has a
24 right to a hearing to contest the validity of the citation and/or
25 the amount of the civil penalty. The hearing shall be held in the
26 District Court where the notice of violation was issued.

27 A. Such a person or business shall make a written request
28 for a hearing on a form provided by the King County Department
29 of Public Safety.
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1 B. A request for a hearing must be filed with the District
2 Court within ten days after the date when the citation was issued.

3 C. The District Court at least 10 days after the request
4 for a hearing shall notify the person requesting the hearing, in
5 writing, of (1) the hearing date and time; and (2) that if the
6 person or business desires to have the officer responsible for
7 the issuance of the civil infraction, a written request on a
8 document provided by the District Court must be returned to the
9 District Court no later than 10 days prior to the hearing date;
10 and (3) that in the absence of such a request, the officer's
11 notice of violation shall be received in evidence.

12 D. A person or business shall have until 10 days after the
13 date of the request for a hearing to cancel the hearing by making
14 payment to the District Court in the amount of the civil infraction.
15 If a hearing is cancelled more than ten days after its request,
16 then a ten dollar cancellation fee must be paid to the District
17 Court in addition to the amount of the civil infraction.

18 E. At the hearing, the King County Department of Public
19 Safety may produce any relevant evidence to show that the issuance
20 of the notice of violation was proper.

21 F. At the hearing, the person or business having requested
22 the same may produce any relevant evidence to show that the
23 issuance of the notice of violation was not proper.

24 G. At the conclusion of the hearing, the District Court
25 shall determine whether the imposition of the civil penalty was
26 proper and provide both parties with a copy of its decision
27 setting forth in writing the reasons for the determination reached.
28 Should the District Court determine that the amount of the penalty
29 was not proper, then the court shall determine the proper amount
30 and provide a copy of its decision to the person or business
31 requesting the hearing and the King County Department of Public
32 Safety.

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1 H. If the civil penalty is found proper, then the civil
2 penalty together with court costs and the expenses of the hearing
3 shall be assessed as a civil penalty against the owner of the
4 premises.

5 I. If the civil penalty is not found to be proper, then
6 the owner of the premises shall bear no costs.

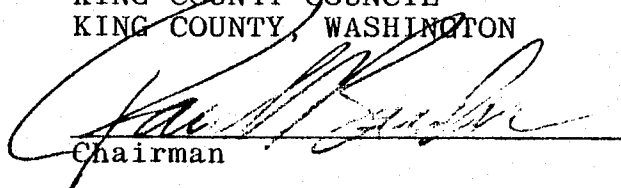
7 J. Nothing in this ordinance shall be construed to prevent
8 a court exercising discretion in assessing penalties, costs or
9 arranging time payments if justice so requires.

10 SECTION 7. If any provision of this act or its application
11 to any person or circumstance is held invalid, the remainder of
12 the act or the application of the provision to other persons or
13 circumstances shall not be affected.

14 INTRODUCED AND READ for the first time this 22nd day of
15 June, 19 81.

16 PASSED this 8th day of September, 1981.

17 KING COUNTY COUNCIL
18 KING COUNTY, WASHINGTON

19 
20 Chairman

21 ATTEST:

22 Dorothy M. Quinn
23 DEPUTY Clerk of the Council

24 APPROVED this 16th day of September, 19 81.

25 
26 King County Executive