

1 FILE NO. 160/Regs PROPOSAL NO. 2005-6s

2 Sponsored by: Councilmember Barbara Gelman

3 Requested by: County Executive/Sheriff

4

5

6 ORDINANCE NO. 2005-6s

7

8

9 AN ORDINANCE OF THE PIERCE COUNTY COUNCIL REPEALING CHAPTER 8.64  
10 OF THE PIERCE COUNTY CODE, "ALARM SYSTEMS", AS  
11 ADOPTED BY ORDINANCE NO. 92-170 AND AMENDED, AND  
12 ADOPTING A NEW CHAPTER 8.64, "ALARM SYSTEMS",  
13 RELATING TO ALARM SYSTEM PERMITTING, ALARM BUSINESS  
14 REGISTRATION, ALARM RESPONSES, REVOCATIONS, AND  
15 PRESCRIBING PENALTIES FOR VIOLATIONS; AND SETTING  
16 AN EFFECTIVE DATE.

17

18 WHEREAS, The Sheriff of Pierce County has found the current  
19 Chapter 8.64 of the Pierce County Code (PCC), "Alarm Systems", no  
20 longer meets the original intentions of the County Executive or  
21 Council when enacted to reduce false alarm calls and responses;  
22 and

23

24 WHEREAS, The Sheriff of Pierce County has found that false  
25 alarm responses have dramatically increased over the years to a  
26 detriment of the general public health and safety of citizens of  
27 Pierce County; and

OCT 05 2005

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10/3/05 jmr  
Date/initials

1           WHEREAS, The Sheriff has found that alarm equipment quality,  
2 installation, and usage has proven to cause approximately 99  
3 percent of the false alarm rate; and  
4

5           WHEREAS, The Sheriff of Pierce County has found that the  
6 burden on the Department may be lessened through improved alarm  
7 equipment technology, improved alarm installation, improved alarm  
8 user training and procedures, improved alarm monitoring company  
9 training and procedures, and/or a private third party alarm  
10 responder option; and  
11

12          WHEREAS, Pierce County desires to improve law enforcement  
13 response to true emergencies and acts of crime; NOW, THEREFORE,  
14

15           BE IT ORDAINED by the Council of Pierce County:  
16

17           Section 1. Chapter 8.64 of the Pierce County Code, as  
18 adopted by Ordinance No. 92-170 and amended by Ordinance No.  
19 99-122, is hereby repealed.  
20

21           Section 2. A new Chapter 8.64 PCC, "Alarm Systems", is  
22 hereby adopted as shown on Exhibit "A", which is attached hereto  
23 and incorporated herein by reference.  
24  
25  
26  
27

1        Section 3. The Sheriff's Department, in coordination with  
2 the Communications Department, shall notify all affected persons  
3 of the proposed changes to the Alarm Ordinance by using as many  
4 of the following methods as practicable:

- 5        a) Direct mailing to all current permit holders and members  
6 of the alarm/security industry;
- 7        b) Updating the County website;
- 8        c) Press releases and interviews;
- 9        d) Notification through the Rainier Media Center.

10  
11        Section 4. This Ordinance shall become effective on  
12 January 1, 2006.

13  
14        PASSED this 13<sup>th</sup> day of September, 2005.

15  
16 ATTEST:

17  
18 Denise D. Johnson  
19 Denise D. Johnson  
Clerk of the Council

PIERCE COUNTY COUNCIL  
PIERCE COUNTY, Washington

20  
21 Shawn Bunney  
22 Shawn Bunney  
23 Council Chair

PIERCE COUNTY EXECUTIVE

24  
25 John W. Ladenburg

26 Approved \_\_\_\_\_ Vetoed \_\_\_\_\_  
27 this 26 day of Sept,  
2005.

28 Date of Publication of  
29 Notice of Public Hearing: August 24, 2005

30 Effective Date of Ordinance: January 1, 2006

2 "NEW CHAPTER"

3 *Chapter 8.64*

4 *ALARM SYSTEMS*

5  
6 **Sections:**

- 7 **8.64.010 Definitions.**
- 8 **8.64.020 Duties of Alarm User.**
- 9 **8.64.025 Registration Requirements of Alarm Businesses.**
- 10 **8.64.026 Registration Duration and Renewal.**
- 11 **8.64.027 Registration Fees.**
- 12 **8.64.028 Duties of Alarm Business.**
- 13 **8.64.030 Response Eligibility Revocation.**
- 14 **8.64.035 Response Eligibility Reinstatement.**
- 15 **8.64.040 Alarm Business Registration Revocation**
- 16 **8.64.045 Alarm Business Registration Reinstatement**
- 17 **8.64.050 Alarm System(s) Service Charges**
- 18 **8.64.060 Unlawful Systems and Uses.**
- 19 **8.64.070 Confidentiality.**
- 20 **8.64.075 Governmental Immunity.**
- 21 **8.64.080 Violation - Penalty.**
- 22 **8.64.090 Severability.**

23 **8.64.010 Definitions.**

- 24 A. "Alarm Administrator" means a Person or Persons designated by the Sheriff to
- 25 administer, control and review false alarm reduction efforts and will be administering the
- 26 provisions of this ordinance.
- 27 B. "Alarm Business" means Persons, partnerships, corporations, or associations who
- conduct the business of monitoring any Alarm System within unincorporated Pierce
- County.
- C. "Alarm Dispatch Request" means a notification to the Sheriff's Department that an
- alarm, either manual or automatic, has been activated at a particular Alarm Site.
- D. "Alarm Site" means a single fixed premise or location served by an Alarm System or
- Systems. Each unit, if served by a separate Alarm System in a multi-unit building or
- complex, shall be considered a separate Alarm Site.
- E. "Alarm System" or "Intrusion Detection System" means a device, or series of devices,
- including, but not limited to, hardwired systems and systems interconnected with a radio
- frequency method such as cellular or private radio signals, which emit or transmit a
- remote or local audible, visual or electronic signal indicating an alarm condition and
- intended to summon a third party response, including Local Alarm Systems. The
- following devices shall not constitute alarm systems within the meaning of this
- subsection:

1. Devices or mechanisms primarily protecting a motor vehicle;
  2. Devices that are not installed, operated or used for the purpose of reporting an emergency to the Sheriff's Department;
  3. Devices installed on a temporary basis by the Sheriff's Department.
- F. "Alarm User" means any Person, who (which) has contracted for Monitoring, repair, installation or maintenance service from an Alarm Business for an Alarm System, or who (which) owns or operates an Alarm System which is not monitored, maintained or repaired under contract.
- G. "Arming Station" means a device that allows control of an Alarm System.
- H. "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, or other communication system, to a law enforcement, public safety or emergency services agency requesting dispatch.
- I. "Cancellation" means the process where Department response is terminated when an Alarm User or Alarm Business (designated by the Alarm User) for the Alarm Site notifies the Department that there is not an existing situation at the Alarm Site requiring law enforcement agency response after an Alarm Dispatch Request.
- J. "Conversion" means the transaction or process by which one Alarm Business begins the servicing and/or Monitoring of a previously unmonitored Alarm System or an Alarm System previously serviced and/or monitored by another alarm company.
- K. "Department" means Pierce County or the Pierce County Sheriff's Department.
- L. "Duress Alarm" means 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 and requests a law enforcement response.
- M. "False Alarm" means an Alarm Dispatch Request to the Department where the responding law enforcement officer finds no evidence of a criminal offense or attempted criminal offense.
1. An alarm signal caused by extraordinary violent conditions of nature such as severe winds, floods, and earthquakes of an intense magnitude (as opposed to the normal minor tremors experienced frequently) would not be deemed a False Alarm.
  2. Equipment malfunctions, user errors, Alarm Business errors, conditions of nature, that are normal for that area which cause an alarm signal are deemed False Alarms.
- N. "Holdup Alarm" means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.
- O. "Law Enforcement Authority" means the Sheriff and those law enforcement officers commissioned by the Sheriff.
- P. "Local Alarm System" means any Alarm System, which is not monitored by an Alarm Business, that produces an alarm signal only at the Alarm Site.
- Q. "Monitoring" means the process by which a Alarm Business receives signals from an Alarm System and relays an Alarm Dispatch Request to the Department or Third Party for the purpose of summoning a response to the Alarm Site.
- R. "One Plus Duress Alarm" means the manual activation of a silent alarm signal at an Arming Station 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).

- 1 S. "Panic Alarm" means an audible Alarm System signal generated by the manual  
2 activation of a device intended to signal a life threatening or emergency situation  
3 requiring law enforcement response.
- 4 T. "Person" means an individual, corporation, partnership, association, organization or  
5 similar entity.
- 6 U. "Responder Call Out", means an individual capable of reaching the Alarm Site within  
7 minutes and having access to the Alarm Site, the code to the Alarm System and the  
8 authority to approve repairs to the Alarm System.
- 9 V. "Response Eligibility", means an alarm site that is in compliance with this ordinance,  
10 there are no outstanding fees owed by the Alarm User or Alarm Business, and the Sheriff  
11 has not revoked response to this location for cause.
- 12 W. "Third Party" means a Person designated by the Alarm User or Alarm Business to  
13 respond to the Alarm Site to verify that a criminal act has occurred or is occurring  
14 requiring law enforcement to respond.
- 15 X. "Vision Obscuring Device" means an alarm system or device that emits or produces real  
16 or simulated smoke, fog, vapor, or any like substance that obscures vision. These  
17 devices are not authorized for use at any alarm site where the potential for an Alarm  
18 Dispatch exists.

19 **8.64.020 Duties of the Alarm User.**

- 20 A. An Alarm User shall:
- 21 1. Display the street address of the Alarm Site at or near the front of the premises and at  
22 other places where access is available, such as from an alley or parking lot. The  
23 street address shall be clearly visible and readable from the exterior of the premise.
  - 24 2. Maintain the Alarm Site and utilize the Alarm System in a manner that will  
25 minimize or eliminate False Alarms;
  - 26 3. Make every reasonable effort to have a Responder to the Alarm System's location  
27 within 45 minutes, when requested by the law enforcement agency, in order to:
    - a. Deactivate an Alarm System; or
    - b. Provide access to the Alarm Site; or
    - c. Provide alternative security for the Alarm Site.
  4. Not activate an Alarm System for any reason other than an occurrence of an event  
that the Alarm System is intended to report.
- 20 B. Businesses with Alarm Systems that contain property at the Alarm Site such as,  
21 weapons, ammunition, explosives, or hazardous materials where the Alarm User cannot  
22 be immediately contacted, shall ensure they have pre-arranged with a Third Party to  
23 secure the site immediately upon notification by the Sheriff's Department. This  
24 information shall be part of the Alarm Business Record. Either the Alarm Business or  
25 the Sheriff's Department shall be authorized to request the Third Party respond to secure  
26 the site on behalf of the Alarm User. Failure to arrange a Third Party Responder or the  
27 Third Party failing to respond in a timely manner will result in a minimum security  
charge of \$100.00 per hour, or the actual costs, whichever is higher, to secure the  
material or location.
- 20 C. Any Person who owns, operates, or possesses any Alarm System within unincorporated  
Pierce County which does not conform to the requirements of this Chapter shall  
disconnect that alarm and render it inoperable or alter it in accordance with this Chapter

1 no later than April 1, 2006, or be subject to no response for intrusion alarm activations  
2 requests for dispatch.

3 **8.64.025 Registration Requirements of Alarm Businesses.**

- 4 A. **Registration Required.** From and after April 1, 2006, all Person(s) who conduct the  
5 business of monitoring Alarm Systems in any building, structure, site or other property  
6 within unincorporated Pierce County are required to register with the Sheriff's  
7 Department Alarm Administrator.
- 8 B. **Registration Application.** All Alarm Businesses are required to complete a registration  
9 application form. Information required to be provided on the registration application  
10 form includes, but is not limited to:
- 11 1. Alarm Business name, physical address, mailing address, business telephone  
12 number.
  - 13 2. Contractor and/or state business license number.
  - 14 3. Principals of the Alarm Business.
  - 15 4. A 24-hour telephone number to the monitoring center.
  - 16 5. The number of alarm systems being monitored within unincorporated Pierce County  
17 broken down by residential and business.
- 18 C. **Alarm Business Registration Restrictions.**
- 19 1. Any false statement of material fact made by an applicant for the purpose of  
20 obtaining an Alarm Business registration to monitor Alarm Systems shall be  
21 sufficient cause for refusal to issue, or revocation of a registration;
  - 22 2. Any incomplete Alarm Business registration application will result in automatic  
23 denial of the registration request;
  - 24 3. An Alarm Business registration cannot be transferred to another Person or business;
  - 25 4. An Alarm Business shall inform the Alarm Administrator of any change that alters  
26 any of the information in subsections 8.64.025 B. 1. thru B. 4. within five business  
27 days of such change;
  - 28 5. All fees owed by the Alarm Business applicant must be paid before an Alarm  
29 Business registration may be issued or renewed.

30 **8.64.026 Registration Duration and Renewal.**

31 An Alarm Business's registration shall expire one year from the date of registration and must  
32 be renewed annually by submitting an updated application and a registration renewal fee to the  
33 Alarm Administrator. The Alarm Administrator may notify each Alarm Business of the need to  
34 renew thirty days prior to the expiration of the registration. It is the responsibility of the Alarm  
35 Business to submit an application prior to the registration expiration date. Failure to renew will  
36 result in Alarm Dispatch Requests from the Alarm Business not being accepted for Dispatch and  
37 other penalties listed in 8.64.050.

38 **8.64.027 Registration Fees.**

- 39 A. Effective January 1, 2006, Alarm Businesses shall pay a registration fee for each Alarm  
40 Systems monitored within unincorporated Pierce County. This per alarm fee shall be a  
41 one-time fee of \$20.00 per alarm system monitored. This fee shall be paid within 5  
42 working days of an Alarm Business activating a new customer. This registration fee is  
43 nontransferable.

- 1 B. Renewal registrations will not be completed for any business which has delinquent  
penalties and fees.
- 2 C. Reinstatement Alarm Registration application fees shall be \$250 plus \$1.00 per alarm  
system monitored in addition to all other fees and penalties which are due.
- 3

4 **8.64.028 Duties of the Alarm Businesses.**

- 5 A. Shall cooperatively work with the Sheriff's Department to reduce false dispatches to  
false alarms.
- 6 B. Alarm Businesses shall:
- 7 1. Provide the Alarm Administrator with information regarding Alarm Systems  
installed, operated and monitored within unincorporated Pierce County in the  
8 format (paper or electronic) requested by the Alarm Administrator;
  - 9 2. Maintain in the Alarm Business database information provided by the Alarm  
Administrator of any Alarm Site that is ineligible for an Alarm Dispatch Request by  
10 law enforcement.
  - 11 3. Maintain information in the Alarm Business data base on Alarm Systems for Alarm  
Sites that protect weapons, ammunition, explosives, or certain types of hazardous  
12 materials which require a third party capable of responding to secure the Alarm Site.
  - 13 4. Maintain information in the Alarm Business data base of Alarm Cancellations that  
will explain why the Alarm was cancelled.
  - 14 5. Make all requests for Alarm Dispatches to a telephone number and in the form  
designated by the Alarm Administrator;
  - 15 6. Not make requests for Alarm Dispatches for Alarm Systems that are under  
Response Eligibility Revocation from the Department;
  - 16 7. Not program duress keypad codes with "One Plus Duress Alarm" codes, and within  
180 days of the effective date of this Ordinance re-program all existing duress  
17 alarms which utilize a "One Plus Duress Alarm" codes with an alternative;
  - 18 8. Not install single action, or non-recessed button robbery, duress or panic devices,  
and within 180 days of the effective date of this Ordinance replace existing single-  
19 action devices with devices with a minimum of two actions;
  - 20 9. Program Arming Station control panels to send cancel codes to abort dispatches;
  - 21 10. Upon takeover of any Alarm System, upgrade, or modify the Alarm System to bring  
the system into compliance with this ordinance;
  - 22 11. Alarm Businesses must maintain for a period of at least one year, records relating to  
Alarm Dispatch Requests. Records must include the name, address, and phone  
23 number of the Alarm User, the Alarm System Zone(s) and sensors activated, use of  
Third Party responders, the time of Alarm Dispatch Request and, if applicable  
24 reasons which lead to Alarm Cancellations. The Alarm Administrator may request  
copies of such records for individually named Alarm Users.
  - 25 12. Alarm Businesses that perform monitoring services for a fee whose Registration is  
suspended or revoked are required to notify all Alarm User customers within 5 days  
26 of the suspension of such suspension or revocation. The Alarm User shall be  
notified that the Department shall not accept Alarm Dispatch Requests from the  
27 suspended or revoked business, and will not respond to their alarm during the  
Alarm Business's suspension or revocation.

1 **8.64.030 Alarm Site Response Ineligibility.**

- 2 A. **Grounds.** The Department may revoke the eligibility of an Alarm Site for response,  
3 when:  
4 1. The alarm system has resulted in more than four False Alarm responses by the  
5 Department within a one year period, or  
6 2. When fees or service charges as set forth in Section 8.64.050 of this Chapter, have  
7 not been paid within 90 days of billing.  
8 3. Hazards to responders exist at the Alarm Site.  
9 B. **Notice of Response Eligibility Revocation.** The Department shall send notice to the  
10 Alarm Business or for Unmonitored Alarm Systems, Alarm Site Property Owner listed  
11 in the Assessor's records, in writing by first class mail of the Response Eligibility  
12 Revocation and the grounds thereof. The notice shall specify the specific date of  
13 revocation, which shall be no sooner than 15 days after the notice is deposited in the  
14 mail, and that the Department shall discontinue responding to alarms which occur at the  
15 premises described.  
16 C. **Appeal.** The Alarm Business or Alarm Site Owner/User may appeal the intended or  
17 actual revocation pursuant to the provisions of the Hearing Examiner Code, Chapter 1.22  
18 PCC.

19 **8.64.031 Alarm Site Response Eligibility Reinstatement.**

- 20 A. Reinstatement of Response Eligibility may be made upon receipt by the Department of:  
21 1. A letter from a licensed alarm company that the alarm system is operating properly  
22 or the Alarm Site Owner/User's agents are properly trained in the Alarm System  
23 operation; or  
24 2. Documentation from an owner/tenant who has personally installed the Alarm System  
25 that the alarm system is operating properly and/or the alarm users are properly  
26 trained in the Alarm System Operation; or,  
27 3. The Alarm System has been brought into compliance with Verified Response; and,  
28 4. All outstanding fees and penalties have been paid.  
29 B. The Department shall not be responsible for any costs incurred by the Alarm  
30 Owner/User to qualify for reinstatement.  
31 C. Response Eligibility will not be reinstated if there are any outstanding fees or service  
32 charges due.

33 **8.64.40 Alarm Business Registration Revocation.**

- 34 A. **Grounds.** The Department may revoke an Alarm Business Registration, for:  
35 1. Failure to comply with the provisions of 8.64.025.  
36 2. Failure to comply with the provisions of 8.64.026.  
37 3. Failure to pay all fees and penalties within 90 days of billing.  
38 4. Failure to comply with the provisions of 8.64.028.  
39 5. Failure to comply with requests for information from the Alarm Administrator as  
40 provided for within this Chapter.  
41 B. **Notice of Revocation.** The Department shall notify such registrant in writing by first  
42 class mail of the revocation of the Alarm Business Registration and the grounds thereof.  
43 The notice shall specify the specific date of revocation, which shall be no sooner than 15  
44 days after the notice is deposited in the mail, and that the Department shall discontinue

1 responding to Alarm Dispatch Requests from the Alarm Business for their customers.  
 2 The Alarm Business will be required to notify their Alarm System monitoring customers  
 3 that the Department will not respond to alarms at their Alarm Site beginning fifteen days  
 4 after the Department mails notice to the Alarm Business.

5 C. **Appeal.** The registrant may appeal the intended or actual revocation pursuant to the  
 6 provisions of the Hearing Examiner Code, Chapter 1.22 PCC.

7 **8.64.045 Alarm Business Registration Reinstatement.**

- 8 A. Reinstatement of the registration may be made:  
 9 1. Upon receipt and approval by the Department of a detailed, viable plan to rectify the  
 10 conditions which resulted in the revocation.  
 11 2. Upon payment of all fees and penalties due from the Alarm Business.  
 12 B. The Department shall not be responsible for any costs incurred by the registrant to  
 13 qualify for reinstatement.

14 **8.64.050 Service Charges.**

- 15 A. Service charges for all monitored alarm systems will be assessed to the Alarm Business.  
 16 Service charges for unmonitored Alarm Sites will be assessed to the Alarm Owner/User.  
 17 These service fees will be assessed for and in the amount of:

18 False Alarm Response	\$250.00	
19 False Robbery/ Duress/Panic Alarm Response	\$125.00	
20 Alarm Response Cancellation Fee	\$50.00	
21 Reinstatement Fee for Unmonitored Alarm	\$50.00	
22 Security Charge	\$100.00	Per hour minimum or the actual cost which is ever higher.
23 Business Registration Annual Fee	\$1.00	Per alarm (which meets Verified Response) system, per month, or a minimum fee of \$100.00.
24 Alarm Business Ineligible Dispatch Request	\$200.00	
25 False Statement by Alarm Business Employee	\$200.00	
26 Reinstatement Fee for Alarm Business.	\$250.00 plus \$1.00 per monitored alarm system.	

- 27 B. Each Owner of a Residential Alarm is eligible for one False Alarm Response at no charge, as long as the alarm system Panic and Duress devices are brought into compliance with this ordinance or are within compliance.

- 1 C. Service charges shall be deposited into the Alarm Systems Permits Account in the  
2 General Fund, to be used for the administration and enforcement activities associated  
with this Chapter.

3 **8.64.060 Unlawful System and Uses.**

- 4 A. No person shall operate or use an Alarm System which emits an audible sound where  
5 such emission does not automatically cease within 10 minutes, or for two repetitions of  
the 10-minute cycle without resetting the Alarm System.  
6 B. No person shall cause or permit to be caused an Alarm Dispatch Request for any Alarm  
System for which the Response Eligibility has been revoked by the Department.  
7 C. No person shall operate or use any Alarm System that automatically dials the  
Department directly and delivers a prerecorded message.  
8 D. No person shall install, operate or use any Alarm System which incorporates a vision  
obscuring device which emits or produces real or simulated smoke, fog, vapor or a like  
9 substance that obscures vision. Use of such device shall result in no police response.  
10 E. No person shall cause or permit to be caused an Alarm System to sound except for the  
purpose it was intended.

11 **8.64.070 Confidentiality.**

12 In the interest of public safety, all information contained in and gathered through the Alarm  
13 Registration applications shall be held in confidence by all employees or representatives of the  
Department and Alarm Businesses to the extent permitted by Washington law.

14 **8.64.075 Government Immunity.**

- 15 A. Alarm Registration is not intended to, nor will it, create a contract, duty or obligation,  
16 either expressed or implied, of response. Any and all liability and consequential damage  
17 resulting from the failure to respond to a notification is hereby disclaimed and  
governmental immunity as provided by law is retained. By applying for an Alarm  
18 Permit, the Alarm Business, for itself and as the agent of the Alarm User, acknowledges  
that law enforcement response may be influenced by factors such as: the availability of  
19 police units, priority of calls, weather conditions, traffic conditions, emergency  
conditions, staffing levels and prior response history.  
20 B. The Department recognizes that some Alarm Sites may pose a greater public safety risk  
due to their business and/or contents of the alarmed site. In the event that a potential risk  
21 to the public is perceived due to an unsecure Alarm Site, the Department may elect to  
provide security measures to secure the site until the responsible parties can arrive.  
22 However, the Department shall not be responsible for securing any Alarm Site or for the  
loss or damage to any property.  
23 C. The Department shall not be responsible for any acts or failure to act by an Alarm  
Business. In certain situations, the Department may not respond to requests for Alarm  
24 Responses due to revocation of the Alarm Business Registrations.  
25 D. The Department shall not be responsible for investigating Alarm Sites that are  
26 inaccessible due to fences, terrain obstructions, other physical obstructions, or  
potentially dangerous animals.

27 **8.64.080 Violation - Penalty.**

1 In addition to the penalties and regulations provided herein, any person who violates any  
2 provisions of this Chapter shall be guilty of a Class 1 misdemeanor.

3 **8.64.090 Severability.**

4 If any provision of this Chapter or its application to any person or circumstance is held  
5 invalid, the remainder of the Chapter or the application of the provision to other persons or  
6 circumstances is not affected.  
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