



False Alarm Ordinance

SMC 10.04.010 False Alarm – Prohibited

- A. No person may willfully tamper with, damage, or interfere with any wire, switch, telephone, radio, or other equipment or apparatus of any public or private alarm system.
- B. No person may willfully and without reasonable grounds give or send any false alarm of fire or other emergency, including shouting in a public place.
- C. No person may intentionally activate any alarm system, for the purpose of summoning emergency response personnel, except in the event of an actual or attempted criminal activity or other actual emergency necessitating emergency response personnel response, and no person notifying emergency response services of an activated alarm and having knowledge that such activation was apparently caused by an electrical or other malfunction of the alarm system may fail at the same time to notify the emergency response personnel of such apparent malfunction.
- D. No alarm system user may cause or allow more than two false alarms to occur within any one-year period. This one-year period shall commence from the date of the first false alarm incurred by the alarm system user and continue for a 12-month period thereafter.
- E. No person may provide alarm system monitoring service to the user of an automatic alarm system without maintaining a verification process as provided in Section 10.07.016.
- F. A violation of subsections A through C, inclusive, is a misdemeanor; a violation of subsections D or E is a civil infraction.

SMC 10.07.011 Definitions

- A. "Alarm system" means any assembly of equipment, mechanical or electrical, designed to alert law enforcement agencies, emergency response personnel, the public, or any person of the commission or attempted commission of a crime or of an emergency. "Alarm system" includes, but is not limited to, burglary, robbery, fire, emergency panic, or traffic control alarms whether on public or private premises.

B. "Alarm system monitoring personnel" means any person that engages in the business of monitoring emergency alarm systems and reporting any activation of such alarm systems to the appropriate public safety agency.

C. "Alarm system user" means the person who owns or has control over any premises where an alarm system is maintained. An alarm system user is regarded as the person requesting activation of the emergency alarm response and who is responsible for corrective action under this ordinance as a result of a false alarm.

D. "Authorized service personnel" means those persons who, by reason of their experience, trade, or occupation, can demonstrate to the chief of police that they are qualified to inspect or repair alarm systems.

E. "Emergency response personnel" means law enforcement, fire fighting or emergency dispatch personnel, or any other person or entity responsible for responding to an alarm system.

F. "False alarm" means the willful, intentional or unintentional activation of any alarm system for the purpose of summoning the police or fire department or other emergency response personnel at a time when there is no evidence of criminal activity having been committed or attempted on the premises, or no fire or other emergency exists. False alarm also includes an alarm activated due to an equipment malfunction, improper installation or maintenance of equipment, human error or negligence, or any cause other than the actual commission or attempted commission of a criminal act.

G. "Non-Response Order" means an order given by the police chief or his/her designate directing the police department not to designate a response to an alarm when false alarms generated from that alarm system have exceeded the number permitted under this ordinance.

H. "Premises" means any building, structure, enclosure, real property, or vehicle.

I. "Verification process" means an independent method of determining that a signal from an automatic alarm system reflects a need for immediate police assistance or investigation. The verification process must be conducted by the alarm system monitoring personnel and may not take more than five minutes, calculated from the time the alarm signal has been accepted by the alarm system monitoring personnel until a decision is made whether to call for a police dispatch.

SMC 10.07.012 Alarm System Registration

A. No person may have or maintain on any premises, except a vehicle, an alarm system unless the alarm system user has registered the alarm system with the police department. A separate registration is required for each alarm site. The police department shall be authorized to charge a nominal registration fee as set forth by the department's rules and regulations under SMC 10.07.015(A). The information on the registration will be available to notify the emergency dispatching offices of the names and telephone numbers of the alarm system user and of the individuals authorized to enter such premises and turn off the alarm.

B. If the alarm system user has the premises monitored by an alarm system monitoring personnel, the name, contact person and twenty-four hour telephone number of the personnel shall be listed on the registration form.

C. The individual or individuals authorized to enter the premises and to turn off the alarm will be responsible to respond at all times to the police or fire department's request to come to the premises and

turn off the alarm system within a reasonable time after being notified. Failure to respond in a timely and reasonable fashion to deactivate the alarm will be grounds for a non-response.

SMC 10.07.013 Automatic Calling Device Prohibited

No person may 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 any other automatic means, initiate a telephonic or recorded message to the 9-1-1 emergency telephone number, or to any telephone number assigned or any additional telephone numbers assigned to the City police or fire department.

SMC 10.07.014 Penalties

A. Criminal Penalty.

A violation of subsections 10.07.010 A through C, inclusive, is a misdemeanor.

B. First Response.

Upon the first two false alarms from an alarm system, the police department shall send a notice to the alarm system user informing the user of the time and location of the false alarm, the nature of the response and the requirements of this ordinance.

C. Civil Infraction.

1. Each false alarm after the first two from the same alarm system within a one-year period is a civil infraction and subjects the alarm system user to the penalty provided in Section 1.05.160.

2. The failure of an alarm system monitoring company to comply with the requirements of the verification process is a civil infraction and subjects the company to the penalty provided in Section 1.05.170.

D. Seventh Violation.

Upon the seventh false alarm from the same alarm system within a one-year period the chief of police may impose a non-response order directing the department not to designate a response to that location, except that a non-response order is not imposed against premises required by law to have an alarm system.

SMC 10.07.015 Enforcement

A. Rules and Regulations.

The chief of police administers and enforces the provisions of this ordinance. The chief is authorized to make and enforce such rules and regulations as are necessary to implement this ordinance.

B. Non-response.

1. Notice is given to the alarm system user at least forty-eight hours prior to issuance of a non-response order if the name of the alarm system user has been furnished to the department. Failure to furnish the name, address and phone number of the alarm system user constitutes a waiver of this notice provision.

2. The alarm system user may petition the chief to reinstate police response to an alarm. The chief rescinds the non-response order if the alarm system user satisfactorily demonstrates that the cause of the previous false alarms has been corrected. In determining whether to rescind a non-response order the chief uses criteria set forth in the rules and regulations made pursuant to subsection A.

3. When a non-response order has been rescinded, the alarm system will be on probationary status for a period of time not to exceed one year. If the repeated instances of false alarms continue during the probationary period, the non-response order may be reinstated.

C. Additional Information.

1. On the first false alarm, the department may require the alarm system user to provide information to the department regarding the cause of the false alarm, whether any corrective action has been taken and whether the system has been inspected or repaired by authorized service personnel.

2. Upon the third false alarm, the alarm system user will be given the option of receiving a class three infraction or attending a false alarm prevention training class taught by a representative of the police department. Where the alarm is installed in a commercial establishment, the owner or manager will be the person who will attend the training class in order to qualify for the waiver of the infraction.

SMC 10.07.016 Verification Process

All alarm system monitoring personnel engaging in business activities in the city must maintain A. a current list, accessible to the police department at all times, of all subscribers' names, addresses and telephone numbers and the associated protected premises, and B. a verification process with those subscribers who have an automatic alarm system to prevent false alarms from resulting in unnecessary emergency dispatch.

SMC 1.05.160 Penalty Schedule

The third and subsequent false alarms within a one-year period shall constitute a civil infraction subject to a monetary penalty as set forth below.

(b) For the third false alarm (Class 3 Infraction), the false alarm citation fee is \$133.00.