

Chapter 10.52 BURGLARY, ROBBERY AND/OR INTRUSION ALARM SYSTEMS

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10.52.010 Definitions.

When used in this chapter, and unless the context clearly requires otherwise, the following words and phrases shall have the meaning and construction set forth below:

- (1) "Alarm system" means a system, device or mechanism that, when activated, transmits a message or signal to an alarmmonitor, emits an audible or visible signal that can be heard or seen by persons outside the premises, or transmits a signal beyond the premises in some other fashion for the purpose of reporting a crime in progress or other emergency situation to the sheriff or other police agency.
- (2) "Alarm user" means a person that owns, leases, or otherwise maintains possession or control over a premises protected by an alarm system.
- (3) "Consecutive numbered response" means a sheriff dispatch to the premises of a false alarm when that dispatch has been preceded within the previous twelve months by a sheriff dispatch to a false alarm at the same premises.
- (4) "False alarm" means the activation of an intrusion or panic alarm when no crime is being committed or attempted on the premises and no medical emergency exists, unless the alarm is activated by an unusual occurrence, action of a telephone company, or a power outage lasting longer than four hours. Any number

of false alarms in a single twenty-four hour period shall be considered a single false alarm unless intentionally caused by any person.

(5) "First response" means a sheriff dispatch to the premises of a false alarm when that response has not been preceded within the previous twelve months by a sheriff dispatch to a false alarm at the same premises.

(6) "Intrusion alarm" means an alarm system designed to be activated automatically to warn of an unauthorized entry or other criminal act on or about a premises.

(7) "Panic alarm" means an alarm system designed to be activated manually to signal a medical emergency or the commission of an unlawful act on or about a premises.

(8) "Person" means any individual, partnership, firm, joint stock company, corporation, association, trust, estate, limited liability company, limited liability partnership or other legal entity.

(9) "Premises" means a building, dwelling, structure, or real property protected by an alarm, including an individual unit in a multiunit building or complex when the individual unit is served by a separate alarm, but not including any motor vehicle.

(10) "Service costs" means the current average cost to the county to respond to a call for service, including staff and dispatch service costs, as calculated by the sheriff and approved by council motion. Until such time as council has approved a different amount, services costs shall be equal to seventy-five dollars.

(11) "Sheriff" means the sheriff of Snohomish County or any duly appointed deputy sheriff of Snohomish County.

(12) "Unusual occurrence" means the extraordinary, sudden and unexpected manifestation of the forces of nature that cannot be prevented by reasonable human care, skill, or foresight.

(Added Ord. [84-035](#), § 1, Mar. 21, 1984; Amended Ord. [02-059](#), November 20, 2002, Eff date December 13, 2002).

10.52.040 Unlawful activation of alarm system.

(1) It is unlawful for an alarm system to generate a false alarm, and the alarm user shall be considered the person responsible for the false alarm.

(2) It is unlawful for any person to activate a panic alarm or to intentionally activate an intrusion alarm when doing so is a false alarm.

(Added Ord. [84-035](#), § 1, Mar. 21, 1984; Amended Ord. [02-059](#), November 20, 2002, Eff date December 13, 2002).

10.52.050 False alarms; Civil fines assessed.

If the sheriff responds to a false alarm, the sheriff may assess and collect fines from either the alarm user or, if the false alarm is generated by activation of a panic alarm or the intentional activation of an intrusion alarm, the person that activated the alarmsystem as follows:

- (1) For a first response - no fine.
- (2) For the first consecutive numbered response - a fine equal to twice the amount of service costs plus \$150.00.
- (3) For the second consecutive numbered response - a fine equal to service costs plus \$325.00.
- (4) For the third consecutive numbered response - a fine equal to service costs plus \$500.00.
- (5) For the fourth and each succeeding consecutive numbered response - a fine equal to service costs plus \$1000.00.

The sheriff may assess and collect fines using all appropriate legal remedies, including the procedures set forth in SCC [10.52.070](#) and [10.52.080](#).

(Added Ord. [84-035](#), § 1, Mar. 21, 1984; Amended Ord. [88-081](#), § 1, Oct. 26, 1988; Amended Ord. [02-059](#), November 20, 2002, Eff date December 13, 2002).

10.52.060 Violation--Penalty.

The sheriff is authorized and directed to enforce the terms and provisions of this chapter. If it is determined through investigation, inspection, and or other means that any person has violated any provision of this chapter, then the sheriff may issue a notice and order.

(Added Ord. [84-035](#), § 1, Mar. 21, 1984; Amended Ord. [02-059](#), November 20, 2002, Eff date December 13, 2002).

10.52.070 Preliminary Finding Notice

- (1) No less than ten days before issuing a notice and order, the sheriff shall send a notice to the person determined to be responsible for a false alarm. The notice shall contain:

(a) The street address and, when available, a legal description sufficient to identify the alarm system premises upon which the false alarm occurred;

(b) A statement that the sheriff has made a preliminary finding that a false alarm occurred with a brief and concise description of the incident, including the date and approximate time the sheriff arrived at the alarm system premises;

(c) A statement that the person determined to be responsible for the false alarm may, within ten days of the date appearing on the notice, provide information to establish that the incident identified as a false alarm is not a false alarm;

(d) A statement advising that, no earlier than ten days after the date appearing on the notice, the sheriff may issue a notice and order that may assess fines as provided in this chapter.

(2) The sheriff shall mail the notice to the person determined to be responsible for generating the false alarm by regular first class mail at the alarm system premises and the person's last known address, if any.

(Added Ord. [84-035](#), § 1, Mar. 21, 1984; Amended Ord. [02-059](#), November 20, 2002, December 13, 2002).

10.52.080 Notice and Order.

(1) The sheriff shall issue a notice and order under SCC [10.52.060](#) directed to the person determined to be responsible for a falsealarm. The notice and order shall contain:

(a) The street address and, when available, a legal description sufficient to identify the alarm system premises upon which the false alarm occurred;

(b) A statement that the sheriff has found that a false alarm occurred with a brief and concise description of the incident, including the date and approximate time the sheriff arrived at the alarm system premises;

(c) If the sheriff has determined to assess fines under SCC [10.52.050](#), the order shall so state and shall require that the fines be paid within a certain time from the date of the order as determined by the sheriff;

(d) A statement advising:

(i) that the person determined to be responsible for the false alarm may appeal the notice and order to the Snohomish County hearing examiner pursuant to Chapter [2.02](#) SCC;

(ii) that failure to file a timely and complete appeal will constitute a waiver of all rights to an administrative appeal under county code.

(2) The notice and order, and any amended or supplemental notice and order, shall be served upon the person determined to be responsible for the false alarm either personally or by mailing a copy of such notice and order by certified mail with return receipt requested to such person at the alarm system address or, if the notice is directed to a person other than the alarm user, at any address at which that person may be served with legal process under Washington law. Proof of service of the notice and order shall be made at the time of service by a notarized verification or a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date and manner in which service was made.

(Added Amended Ord. [02-059](#), November 20, 2002, Eff date December 13, 2002)

10.52.090 Appeals - Procedure

(1) The person served with a notice and order under SCC [10.52.080](#) may appeal to the hearing examiner. Appeals shall be filed and processed pursuant to the provisions of Chapter [2.02](#) SCC.

(2) At the hearing on a notice and order appeal, the sheriff shall have the burden of proving the violation, which burden shall be met by a preponderance of the evidence. A rebuttable presumption shall exist, however, that the factual statements and determinations made by the sheriff in the notice and order are correct.

(3) The decision of the hearing examiner on any such appeal shall be final and conclusive with an optional right of reconsideration as provided in Chapter [2.02](#) SCC and may then be reviewable by an action for writ of review filed with Snohomish County superior court as provided in Chapter 2.02.SCC.

(Added Amended Ord. [02-059](#), November 20, 2002, Eff date December 13, 2002)

10.52.100 No criminal penalties

Violations of this chapter shall not constitute a crime.

(Added Amended Ord. [02-059](#), November 20, 2002, Eff date December 13, 2002)

10.52.110 Remedies not exclusive

The remedies for violation of this chapter that are set forth in this chapter are not exclusive.

(Added Amended Ord. [02-059](#), November 20, 2002, Eff date December 13, 2002)

10.52.120 Severability

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

(Added Amended Ord. [02-059](#), November 20, 2002, Eff date December 13, 2002)