

ORDINANCE NO. _____

AN ORDINANCE of the City Council of the City of Lakewood, Washington, repealing Chapter 9.30 of the Lakewood Municipal Code entitled False Alarms and replacing it with Chapter 9.31 entitled Security Alarms

WHEREAS, the City Council finds that it is in the best interest of its citizens to ensure that false security alarms do not diminish the availability of police services to the general public; and,

WHEREAS, Pierce County and other Cities within the region use security alarm programs that emphasize user education and reduce unnecessary police response.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAKEWOOD, WASHINGTON, DO ORDAIN as follows:

Section 1. That Chapter 9.30 of the Lakewood Municipal Code entitled False Alarms shall be repealed.

Section 2. That the Council shall create a new Chapter of the Lakewood Municipal Code to herein read as follows:

Chapter 9.31
Security Alarms

- 09.31.010 Definitions
- 09.31.020 Administration: Funding; Increases in Fees; Annual Evaluation
- 09.31.030 Alarm User Permit Requirements and Fees
- 09.31.040 Alarm User Permit Application and Contents
- 09.31.050 Terms of Alarm User Permit; Transfer of Permit Prohibited
- 09.31.060 Duties of Alarm Users
- 09.31.070 Audible Alarms; Restrictions
- 09.31.080 Duties of Alarm Installation Companies and Monitoring Companies
- 09.31.090 Business Permit of Alarm Installation and Monitoring Companies
- 09.31.100 Duties and Authority of the Alarm Administrator
- 09.31.110 False Alarm Fees
- 09.31.120 Notice to Alarm Users of False Alarms and Suspension of Police Response
- 09.31.130 Suspension of Police Response to Alarm Sites
- 09.31.140 Appeals of Determinations Regarding Alarm Permits and Fees
- 09.31.150 Reinstatement of Suspended Alarm Permits

- 09.31.160 Revocation of Alarm User Permit and Business Permit
- 09.31.170 Confidentiality of Alarm Information
- 09.31.180 Scope of Police Chief Duty; Immunities Preserved
- 09.31.190 Service Charges
- 09.31.200 Violation – Penalty

09.31.010 – Definitions.

A. "Alarm Administrator" means the person or persons designated by the Chief of Police to administer the provisions of this Chapter.

B. "Alarm Agreement" means the legal contract or agreement by and between the Alarm Installation Company and/or Monitoring Company and the Alarm User.

C. "Alarm Dispatch Request" means a notification to the Chief of Police that an alarm, either manual or automatic, has been activated at a particular alarm site.

D. "Alarm Installation Company" means a person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an alarm system at an alarm site for compensation, and includes individuals or firms that install and service alarm systems used in a private business or proprietary facility.

E. "Alarm Installer Checklist" means a check off list provided by the Alarm Administrator to the alarm installer to complete at each alarm site after the installation of an alarm system prior to its activation.

F. "Alarm Permit " means the alarm registration issued by the Alarm Administrator to an alarm user which authorizes the operation of an alarm system within the City of Lakewood.

G. "Alarm Response Manager (ARM)" means a person designated by an alarm installation company or monitoring company to handle alarm issues for the company and act as the primary point of contact for the Chief of Police or Alarm Administrator.

H. "Alarm Site" means a location served by one or more alarm systems. In a multi-unit building or complex, each unit shall be considered a separate alarm site if served by a separate alarm system. In a single unit building that houses two or more separate businesses with separate alarm systems, each business will be considered a separate alarm site.

I. "Alarm System" means an audible or remote visual or electronic alarm signal which is intended to summon law enforcement response. The term includes hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, and includes local alarm systems. This term does not include an alarm installed in a motor vehicle, nor on one's person or an alarm system designed solely to

alert the occupants of a building or residence which will not emit a signal either audible or visible from outside the building or residence.

J. "Alarm User" means any person who has contracted for monitoring, repair, installation, or maintenance service for any alarm system from an alarm company, or who owns or operates an alarm system which is not monitored, maintained or repaired under agreement.

K. "Alarm User Awareness Class" means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

L. "Arming Station" means a device that controls an alarm system.

M. "Automatic Voice Dialer" means any electronic, mechanical or other device which, when activated, is capable of being programmed to send a prerecorded voice message to a law enforcement agency requesting a patrol dispatch to an alarm site.

N. "Business Permit" means the permit issued by the Alarm Administrator to an alarm installation company or monitoring company to sell, install, monitor, repair, or replace alarm systems. The term does not include a business license issued by the City of Lakewood or a license issued by the State Fire Marshall for fire alarm systems.

O. "Burglar Alarm" means an alarm intended to identify the presence of an intruder in either a business or residence.

P. "Burglar Alarm Confirmation" means a method by which an Alarm Monitoring Company shall verify a Burglar Alarm call prior to making a Burglar Alarm Dispatch Request. This method requires at least one of four types of acceptable verification for a Burglar Alarm call:

- WITNESS AT SITE; who indicates criminal or suspicious activity
- AUDIO VERIFICATION; that indicates criminal activity
- VISUAL VERIFICATION (LIVE –TIME VIDEO); that indicates criminal activity
- SEQUENTIAL VERIFICATION (Two zone/device activation); The Sequential Verification allows for a variety of configurations that are acceptable as burglar alarm confirmation. It is the most common verification that is used.
 1. TWO INDEPENDENT DETECTORS ACTIVATED
 2. TWO ALARM SIGNALS WITHIN A 10 MINUTE TIME PERIOD

Q. "Cancellation" means the termination of police response to an alarm site after dispatch request is made but before an officer has arrived at the alarm site.

R. "Chief" means the Chief of Police of the City of Lakewood or his/her designee.

S. "Conversion" means the transaction or process by which one alarm installation company or monitoring company begins the servicing or monitoring of a previously unmonitored alarm system or an alarm system that was previously serviced or monitored by another alarm company.

T. "Customer False Alarm Prevention Checklist" means a check off list provided by the Alarm Administrator to the alarm installer to provide to the alarm user to complete prior to the activation of an alarm system

U. "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 requires law enforcement response.

V. "Enhanced Call Verification" means that prior to requesting law enforcement dispatch a second telephone call is made to a different telephone number if the first attempt fails to reach an alarm user who can determine whether an alarm signal is valid.

W. "False Alarm" means an alarm dispatch request to the Police which results in the responding officer finding no evidence of a criminal offense or attempted criminal offense after completing an investigation of the alarm site.

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

Y. "Local Alarm System" means an unmonitored alarm system that annunciates an alarm only at the alarm site.

Z. "Monitoring" means the process by which a monitoring company receives signals from an alarm system and relays an alarm dispatch request to the Police.

AA. "Monitoring Company" means the company that contracts with the alarm user to provide monitoring services. The Monitoring Company is also referred to as the Alarm Agreement Holding Company.

BB. "One Plus Duress Alarm" means the manual activation of a silent alarm signal by entering a code that adds one number to the last digit of the normal arm/disarm code (e.g., normal code = 1234, one plus duress code = 1235).

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

DD. "Permit Number" means a unique individual number assigned to an alarm user as part of the registration of their alarm permit issued by the Police Department.

EE. "Person" means an individual, corporation, limited liability company, partnership, association, organization or similar entity.

FF. Police or Police department means the LAKEWOOD Police Department

GG. "Protective or Reactive Alarm System" means an alarm system that produces a temporary disability or sensory deprivation through use of chemical, electrical, sonic or other means, including use of devices that obscure or disable a person's vision.

HH. "Responsible Party" means a person capable of appearing at the alarm site upon request who has access to the alarm site, the code to the alarm system and the authority to approve repairs to the alarm system.

II. "Robbery Alarm" means an alarm signal generated by the manual or automatic activation of a device, or any system, device or mechanism on or near the premises intended to signal that a robbery or other crime is in progress, and that a person is in need of immediate law enforcement assistance in order to avoid bodily harm, injury or death. The term has the same general meaning as "holdup alarm."

JJ. "SIA Control Panel Standard CP-01" means the ANSI - American National Standard Institute-approved Security Industry Association - SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations are marked as follows: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction."

KK. "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.

LL. "Zones" means division of devices into which an alarm system is divided to indicate the general location from which an alarm system signal is transmitted.

9.31.020 - Administration: Funding; Increases in Fees; Annual Evaluation.

A. Responsibility for administration of this Chapter is vested with the Chief of Police (Chief) for the City of Lakewood.

B. The Chief shall designate an Alarm Administrator to carry out the duties and functions described in this Chapter.

C. Monies generated by false alarm service fees and permit fees assessed pursuant to this Chapter shall be deposited into the appropriate Police Department revenue accounts.

D. Based upon a review and recommendation from the Chief, the fees set forth in this Chapter may be modified by the City Council. The Chief or its contract representative shall post the fees on the Police Department's link to the City's web site and notify the alarm companies and monitoring companies. These companies shall then be responsible for notifying their customers of these fees. For purposes of this subsection, "fees" include any type or class of fee and include late fees and penalties.

E. The Alarm Administrator shall conduct an annual evaluation and analysis of the effectiveness of this Chapter and identify and implement system improvements as warranted.

9.31.030 - Alarm User Permit Requirements and Fees.

A. Alarm sites must be registered.

1. An alarm user shall not operate, or cause to be operated, any alarm system without a valid alarm permit. A separate alarm permit is required for each alarm site having a distinct address or business name. A separate alarm permit is required for each alarm site with the same address having a distinct and separate alarm system (i.e., detached shops or garages on residential property). The initial alarm permit fee must be collected by the Alarm Installation Company from the alarm user. The permit fee and application form shall be sent to the Alarm Administrator within ten days after any alarm system installation or alarm system takeover.

Owners of local alarm systems are required to adhere to this Chapter and are subject to all fees (including service fees), suspensions, penalties or other requirements that are applicable.

The fee for a new initial Alarm Permit shall be collected by the Alarm Installation Company and an Alarm Permit renewal fee shall be collected by the alarm Agreement Holding Company.

2. Alarm fees. The fees for an alarm permit or an alarm permit renewal shall be collected by the Alarm Agreement Holding Company and are as follows:

- a. Permit Fee: To be set by the City fee schedule
- b. Renewal Fee: To be set by the City fee schedule
- c. Senior Rate (60 or older) (residential only): To be set by the City fee schedule
- d. Physically disabled: To be set by the City fee schedule

In order to qualify for the senior rate, applicants must provide proof of age, be listed as the property owner or lessee and must have the alarm contract in his or her name. In order to qualify for the physically disable rate, applicants must be in accordance with RCW 46.16.381.

3. Late Fees. Alarm users who fail to obtain and/or make payment for an alarm permit within 30 days after notification will be assessed a late fee in the amount of \$25.00.

4. Refunds. No refund of a permit or permit renewal fee will be made.

5. Existing Alarm Systems.

(a) Any alarm system which was installed before the effective date of this Chapter, must be registered and a permit fee collected by the Alarm Agreement Holding Company 60 days after the effective date of this Chapter. An Alarm Installation Company or Monitoring Company shall, within 30 days after being notified in writing from the Alarm Administrator, provide a list of existing alarm users in the City of Lakewood to the Alarm Administrator to include name, address, billing address, and telephone number in a manner decided upon by the Alarm Administrator. Included shall be the permit fee for each of their alarm user customers.

(b) The alarm agreement company may through a mutual written agreement have another alarm company provide the alarm user's list and collect the permit fee.

(c) Failure to comply and provide customer lists to the Alarm Administrator, as required, will result in a fine of \$25.00 per working day (after the initial 30-day notice expires, i.e. day 31) until the alarm installation company or monitoring company complies with the requirement. Failure to comply will also result in automatic suspension of their business permit.

6. New Alarm Systems:

Any alarm installation company that installs an alarm system on premises within the City of Lakewood after the effective date of this Chapter must notify the Alarm Administrator within ten days after the date of installation and provide the name, address, billing address, and telephone number of the alarm user and a copy of the Customer False Alarm Prevention Checklist as well as any appropriate registration permit fee collected from the alarm user. The failure to notify in accordance with terms of this subsection shall result in a \$100.00 administrative penalty against the alarm installation company.

7. Upon receipt of a completed alarm permit application form and the alarm permit fee, the Alarm Administrator shall authorize response to the applicant unless:

- a. The applicant has failed to pay a false alarm fee or fine assessed under Chapter 9.31.020 (2) of the Lakewood Municipal Code.
- b. An alarm permit for the alarm site has been suspended, and the violation causing the suspension has not been corrected.

8. Upon receipt of the permit application form and fee, the Alarm Administrator shall authorize response to the alarm user, which is valid for a one-year period. Renewal permits are valid for a one year period from the date of initial issuance.

9. Government entities, including but not necessarily limited to the City of Lakewood and Clover Park School Districts, must obtain permits for all alarm systems on its property under their control within the City of Lakewood, but are exempt from payment of permit and renewal fees.

9.31.040 - Alarm User Permit Application and Contents.

A. An application for alarm permit must be on a form provided by the Alarm Administrator and must contain the following information:

1. The name, complete address, including apartment or suite number, and telephone numbers of the person who will be the holder of the permit and be responsible for the proper maintenance and operation of the alarm system and payment of fees assessed under this Chapter;
2. The physical alarm site address and classification as either residential (includes apartment, condo, mobile home, etc.) or commercial;
3. The classification (i.e., burglary, holdup, duress, panic alarm or other) for each alarm system located at the alarm site, and, for each classification, whether the alarm is audible or silent;
4. The applicant's mailing address, if different from the address of the alarm site;
5. Any dangerous or special conditions present at the alarm site;
6. The type of business conducted at a commercial alarm site;
7. A written certification from the alarm user setting forth the following:
 - a. The date of installation, conversion or take over of the alarm system, whichever is applicable;
 - b. The name, address, and telephone number of the alarm installation company or companies performing the alarm system installation, conversion or take over and of the alarm installation company responsible for providing repair service to the alarm system;
 - c. The name, address, and telephone number of the monitoring company if different from the alarm installation company;
 - d. That a set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarms, have been left with the application by the alarm installation company; and
 - e. That the alarm installation company has trained the applicant in proper use of the alarm system, including instructions on how to avoid false alarms.
8. An acknowledgement that the police response may be influenced by factors including, but not limited to, the availability of officers, priority of calls, traffic conditions, emergency conditions and staffing levels;
9. Any false statement of a material fact made by an applicant for the purpose of obtaining an alarm permit is sufficient cause for refusal to issue a permit, or revocation of an existing permit.

09.31.050 - Terms of Alarm User Permit; Transfer of Permit Prohibited.

A. An alarm permit cannot be transferred to another person or alarm site. An alarm user shall inform the Alarm Administrator of any change in the information listed on the alarm permit application within five business days after such change. Exceptions may be made at the discretion of the Alarm Administrator when the transfer proposed is among members of the family of the original permit holder or successors in interest to the property for which the permit has been issued.

B. An alarm permit shall expire one year after the date of issue, and must be renewed annually by submitting a renewal application and a renewal fee to the Alarm Administrator. The Alarm Administrator shall notify the alarm Agreement Holding Company of the need to renew their registered customers sixty (60) days prior to the expiration of the registration on a monthly basis. It is the responsibility of the Alarm Agreement Holding Company to submit the updated information and renewal fees prior to the registration expiration date. Failure to renew shall be classified as a use of a non-registered security alarm system and subject the Alarm Site to a suspension and late fees. (A \$100.00 fee shall be assessed to the Alarm Agreement Holding Company).

09.31.060 - Duties of Alarm Users.

A. An alarm user shall:

1. Complete the Customer False Alarm Prevention checklist available from their alarm installation company or through the police department's online website, and send the checklist to the Alarm Administrator.
2. Maintain the alarm site and the alarm system in a manner that will minimize or eliminate false alarms;
3. Make every reasonable effort to arrive at the alarm system's location within 30 minutes after being requested by the monitoring company or law enforcement agency in order to:
 - a. Deactivate an alarm system;
 - b. Provide access to the alarm site; and /or
 - c. Provide alternative security for the alarm site.
4. Provide to the monitoring company the names and telephone numbers of at least two individuals who are able and have agreed to:
 - a. Receive notification of an alarm system activation any time;
 - b. Respond to the alarm site at any time in the presence of the Lakewood Police; and
 - c. Provide access to the alarm site and deactivate the alarm system, if necessary. An alarm user will notify the monitoring company when this information changes.
5. Not activate an alarm system for any reason other than an occurrence of an event that the alarm system was intended to report.

B. An alarm user shall not use automatic voice dialers for any type of alarm system. No person shall operate or cause to be operated any automatic dialing device which, when activated, uses a telephone device or attachment to automatically select a telephone line leading into the Police Department or transmit any prerecorded message or signal. Waiver: An Automatic voice dialer is allowed as long as it is not connected to the Police Department. It may be used to alert the user only or others.

C. An alarm user shall not use any type of alarm system that is rigged to produce a temporary disability or sensory deprivation through use of chemical, electrical, sonic or other means, including use of devices that obscure or disable one's vision.

D. Installation of a protective-reactive device can only be done with the prior written approve of the Chief or his/her designee. During any alarm at such a site, a responsible party must be contacted and confirm that he or she will respond to the alarm site to disarm the device.

E. After the effective date of this Chapter, an alarm user shall not operate or cause to be operated any alarm system capable of sending one plus duress alarms. Within 180 days of the effective date of this Chapter, all alarm users shall authorize their alarm installation company to reprogram all existing duress alarms which utilize a one plus duress code.

F. After the effective date of this Chapter, an alarm user shall not operate or cause to be operated any alarm system with single action or non-recessed button robbery, duress, or panic devices. Within 180 days of the effective date of this chapter, all alarm users shall authorize their alarm installation company to replace existing single-action devices with devices that have dual action at a minimum.

G. An alarm user shall keep a set of written operating instructions for each alarm system at each alarm site.

H. All alarm users shall agree with their alarm installation company or monitoring company to go through an "acclimation period" for the first seven days after installation of an alarm system, during which time the alarm installation company or monitoring company will have no obligation to respond to, nor will it respond to, any alarm signal from the alarm site, or make an alarm dispatch request to law enforcement, even if the alarm signal is the result of an actual alarm event. Exceptions to the "acclimation period" of non-response can be made by the Chief in special circumstances, including but not limited to, domestic violence and stalking.

09.31.070 - Audible Alarms; Restrictions.

A. After the effective date of this Chapter it is a violation of this Chapter for any person to operate an alarm system in the City of Lakewood that has a siren, bell or other signal audible from any property adjacent to the alarm site that sounds for longer than ten consecutive minutes after the alarm is activated, or that repeats the ten minute alarm

cycle more than three consecutive times without resetting. Violators will be fined in accordance with the penalties for false alarms.

09.31.080 - Duties of Alarm Installation Companies and Monitoring Companies.

A. Each alarm installation company and monitoring company must designate one individual as the Alarm Response Manager (ARM) for the company who will manage alarm related issues and act as the point of contact for the Alarm Administrator and Alarm Coordinator. The appointed individual must be knowledgeable of the general provisions of this Chapter, as well as have the knowledge and authority to deal with false alarm issues and respond to requests from the Alarm Administrator and Alarm Coordinator. The name, telephone number, and email address of the designated ARM must be provided to the Alarm Administrator. Failure to comply will result in the suspension of the alarm company business permit. A reinstatement fee of at least \$100.00 or \$10.00 per registered user if letters have been sent (per subsection B) whichever is the greater amount, will be charged. This will cover the administration action costs for this chapter.

B. Upon the installation or activation of an alarm system, the alarm installation company shall distribute to the alarm user information summarizing:

1. The applicable law relating to false alarms, including the potential for penalties and revocation or suspension of an alarm permit; and
2. How to prevent false alarms; and
3. How to operate the alarm system; and
4. The Customer False Alarm Prevention Checklist available through the Police Department.

C. After the effective date of this Chapter, alarm installation companies shall not program alarm systems so that they are capable of sending one plus duress alarms. Within 180 days of the effective date of this Chapter, alarm installation companies shall reprogram all existing duress alarms which utilize a one plus duress code.

D. Alarm installation companies shall not install single action or nonrecessed button robbery, duress, or panic devices, and within 180 days of the effective date of this Chapter, replace existing single-action devices within devices that have dual action at a minimum.

E. Ninety days after the effective date of this Chapter, an alarm installation company shall, on new installations, use only alarm control panel(s) which meet ANSI/SIA Cp -01 Control Panel Standard – Features for False Alarm Reduction.

F. An alarm company shall not use an automatic voice dialer which calls the Police Department, the Chief's designee for any alarm system.

G. After completion of the installation of an alarm system, an employee of the alarm installation company shall review with the alarm user the Customer False Alarm

Prevention Checklist or an equivalent checklist approved by the Alarm Administrator, giving the alarm user instructions to send the completed checklist to the Alarm Administrator.

H. After completion of the installation of an alarm system, an employee of the alarm installation company shall complete the Alarm Installer Checklist, and send the completed checklist to the Alarm Administrator.

I. A monitoring company shall not make an alarm dispatch request to an alarm signal during the first seven-day "acclimation period" after an alarm system installation. Exceptions to the "acclimation period" of non-response can be made by the Chief in special circumstances, including but not limited to, domestic violence and stalking.

J. A monitoring company shall employ "Burglar Alarm Confirmation" and:

1. Report alarm signals by using telephone numbers designated by the Alarm Administrator, ensuring they have received two or more alarm signals during the same alarm event (10) minutes.

2. Employ "Enhanced Call Verification" and Burglar Alarm Confirmation on all Burglar Alarm dispatch requests by attempting to verify by telephone the validity of every alarm signal, except robbery and panic activation, before requesting law enforcement response to an alarm system signal. Verification before requesting law enforcement dispatch also requires that a second telephone call be made to a different phone number if the first attempt fails to reach an alarm user who can determine whether an alarm signal is valid. Names and telephone numbers of those persons contacted or attempted to be contacted must be provided to the Alarm Administrator, Alarm Coordinator or Police Department upon request. The Lakewood Police Department may refuse to accept an Alarm Dispatch Request from a Monitoring Company that has failed to comply with the procedure required by Enhance Call Verification and Burglar Alarm Confirmation.

3. Communicate alarm dispatch requests to the Police Department in a manner and form determined by the Alarm Administrator.

- a) A valid Permit Number is required for all alarm requests. Failure to provide a valid Permit Number shall result in the call request not being accepted for a police dispatch.

- b) Provide zone(s) activation information as part of the Sequential Verification process within the Burglar Alarm Confirmation procedures.

4. Communicate cancellations to the Police Department in a manner and form determined by the Alarm Administrator.

5. Ensure that all alarm users of alarm systems equipped with a duress, holdup or panic alarm are given adequate training as to the proper use of the alarm.

6. Communicate any available information (north, south, front, back, floor, etc.) about the location of an alarm signal as part of an alarm dispatch request.

7. Communicate the type of alarm activation (silent or audible, interior or perimeter), if available, on any alarm dispatch request.

8. Installation of a protective-reactive device can only be made with the prior written approval of the Chief or his designee. During any alarm at such a site, a responsible party must be contacted and confirm that he or she will respond to the alarm site to disarm the device. In all cases where a protective-reactive device is present at an alarm site, the patrol dispatch request shall include a warning for officers not to enter the alarm site until the responsible party is present and has disarmed the device. Failure to provide this warning to officers shall result in a \$200 fee to the monitoring company.

9. Prior to making an alarm dispatch request, attempt to notify the alarm user to send a responsible party to the alarm site, in order to:

- a. Deactivate an alarm system;
- b. Provide access to the alarm site; and/or
- c. Provide alternative security for the alarm site.

10. After an alarm dispatch request, promptly advise the Chief the alarm company knows that the alarm user or a responsible party is on the way to the alarm site;

11. Each monitoring company must maintain, for a period of at least one year after the date of an alarm dispatch request, all records relating to the alarm dispatch request. Records must include the name, address and telephone number of the alarm user, each alarm system zone activated, the time of alarm dispatch request and evidence of all attempts to verify. The Alarm Administrator may request copies of such records for any individual alarm user. If the request is made within 60 days after an alarm dispatch request, the monitoring company shall furnish requested records within three business days after receiving the request. If the records are requested between 60 days and 1 year after an alarm dispatch request, the monitoring company shall furnish the requested records within 30 days after receiving the request. Failure to comply will result in an immediate suspension of response and \$25.00 per day per customer service fee.

12. Each monitoring company shall, upon request, immediately provide the Police Department with the names and phone numbers of the alarm user's emergency contacts at the time of each alarm dispatch request.

K. Purchased Accounts. An alarm installation company or monitoring company that purchases any alarm system account from another company shall notify the Alarm

Administrator of such purchase and shall provide to the Alarm Administrator within 30 days from the date of acquisition, a complete list of the acquired customers, in a format the alarm company is capable of producing, that includes the following:

1. Alarm User's permit number
2. Customer name;
3. Customer billing address;
4. Customer telephone number;
5. Alarm site address; and
6. Alarm company license number.

L. The customer lists described in subsections K. and L. above are proprietary and confidential information and will not be released to anyone absent a court order.

M. Failure to provide customer lists to the Alarm Administrator, as required in subsections K. and L. above, will result in a fine of \$25.00 per working day until the alarm installation company or monitoring company complies with the requirement. Failure to pay this fine will result in the immediate suspension of their business permit.

09.31.090 - Business Permit of Alarm Installation and Monitoring Companies.

A. Every Alarm Installation Company and every monitoring company shall obtain a business permit from the police Alarm Administrator and pay an annual prorated fee of \$10.00 per each of their registered Alarm Users in the City of Lakewood up to a maximum payment of \$100.00. Failure to pay the annual fee within 30 days after expiration of the permit will require the payment of a late fee of \$25.00.

B. The Chief may not respond to any alarm dispatch request from any alarm installation company or monitoring company that does not possess a current valid business permit issued pursuant to this Chapter.

C. The Alarm Administrator shall notify all known alarm users subscribing to an unregistered alarm installation company or an unregistered monitoring company that the company is unregistered and that the Chief will no longer respond to the user's alarms. A reinstatement fee of at least \$100.00 or \$10.00 per alarm user, if letters have been set by the Alarm Administrator, whichever is the greater amount, will be charged to the alarm installation company or monitoring company. This will cover the administration action costs for this Chapter.

D. The fee imposed by this Chapter is in addition to all other fees levied by the City of Lakewood.

09.31.100 - Duties and Authority of the Alarm Administrator.

- A. The Alarm Administrator shall:
1. Designate the manner and form of alarm dispatch requests and the telephone numbers to be used for such requests; and

2. Establish a procedure to accept cancellation of alarm dispatch requests.
- B. The Alarm Administrator shall establish a procedure to acquire and record information on alarm dispatch requests including the following information:
1. Identification of the alarm site;
 2. The date and time alarm dispatch request was received, including the name of the monitoring company and the monitoring operator's name and number;
 3. Date and time of an officer's arrival at the alarm site;
 4. The alarm zone and zone description, if available;
 5. Name of alarm user's personal representative present at the alarm site, if any;
 6. Whether an officer was unable to locate the address of the alarm site; and
 7. The cause of the alarm signal, if known.
- C. The Alarm Administrator shall establish and implement a procedure to notify the alarm user of a false alarm. The notice shall include the following:
1. The date and time of an officer's response to the false alarm; and
 2. A statement urging the alarm user to ensure that the alarm system is properly operated, inspected, and serviced in order to avoid false alarms and resulting false alarm fees; and
 3. The false alarm fees incurred.
- D. The Alarm Administrator may require that a conference be held with an alarm user and the alarm installation company or monitoring company responsible for repairing or monitoring of the alarm system to review the circumstances of each false alarm. The conference may be held in person or by telephone call, at the Alarm Administrator's discretion. Failure to participate by any of the notified parties will result in suspension of their alarm user permit or the alarm company business permit after a written notice has been sent.
- E. The Alarm Administrator may establish an alarm user awareness class. The Alarm Administrator may request the assistance of associations, alarm companies and law enforcement agencies in developing and implementing the class. The class shall inform alarm users of the problems created by false alarms and teach alarm users how to avoid creating false alarms.
- F. If a false holdup alarm has occurred and the alarm was triggered using a single action, non-recessed buttons, the Alarm Administrator may consider a waiver of the false alarm fee if action is taken by the alarm user to remove or replace the single action, non recessed button.
- G. The Alarm Administrator will make a copy of this Chapter and/or a summary sheet available to each alarm user.

09.31.110- False Alarm Fees.

A. An alarm user shall pay the following fees to the Alarm Administrator for police response to any false alarm or robbery alarm:

1. Burglar False Alarm Fee: \$100.00 for each false alarm;
2. Robbery False Alarm Fee: \$200.00 for each false alarm;
3. If a false alarm fee is not paid within 30 days after the invoice is mailed, a late fee to the alarm user in the amount of \$25.00 shall be imposed.

B. Fees for false alarms by unregistered alarm systems.

In addition to the fees set forth in subsection A. above, a supplemental fee is hereby imposed upon any person operating an unregistered alarm system in the amount of \$100.00 for each false alarm. The Alarm Administrator may waive this additional fee for an unregistered system if the alarm user submits an application for alarm permit within ten business days after receiving notice of such violation.

C. If cancellation of police response occurs prior to an officer arriving at the alarm site, the response is not considered a false alarm for the purposes of fees, and no penalty will be assessed.

D. The Alarm Administrator may waive a false alarm fee due to a history of false alarms that is identified as chronic equipment failure and the alarm user has documented work orders of attempts to repair the alarm system.

E. The alarm installation company shall be assessed a fee of \$100.00 if the officer responding to the false alarm determines that an on-site employee of the alarm installation company directly caused the false alarm. Such false alarms are not included in the total number of false alarms for the alarm user.

F. A fee of \$100.00 is hereby imposed against any monitoring company that fails to verify alarm system signals as required in this Chapter.

G. A fee in the amount of \$200.00 is hereby imposed on an alarm installation company if the Alarm Administrator determines that an employee of the alarm installation company knowingly made a false statement concerning the inspection of an alarm site or the performance of an alarm system.

H. Notice of the right of appeal pursuant to this Chapter will be included with notice of any penalty.

9.31.120- Notice to Alarm Users of False Alarms and Suspension of Police Response.

The Alarm Administrator shall notify the alarm user in writing after each false alarm. The notice shall include the amount of the fee for the false alarm, the fact that response will be suspended after the third false alarm in their one-year permit period (excluding duress, holdup and panic alarms), and a description of the appeals procedure available to the alarm user.

The Alarm Administrator shall notify the alarm user and the alarm installation company or monitoring company in writing thirty days before an alarm response is to be suspended. Suspension of alarm response does not apply to duress, robbery, holdup and panic alarms. The notice of suspension must also include the amount of the fee for each false alarm and a description of the appeals procedure available to the alarm user and the alarm installation company or monitoring company.

9.31.130 - Suspension of Police Response to Alarm Sites.

A. It is a violation of this Chapter to make an alarm dispatch request for a suspended alarm site.

B. The Alarm Administrator shall notify the police and alarm installation company and/or monitoring company of each alarm user whose alarm permit qualifies for suspension under this Chapter. The Alarm Administrator shall suspend an alarm permit if it is determined that:

1. The alarm user has had three or more false alarms within one year after the date of issuance of their annual permit, except that the Alarm Administrator may waive a suspension of a permit upon receipt of documented work orders showing numerous attempts to repair the alarm system;
2. There is a false statement of a material fact in the application of a permit; or
3. The alarm user fails or refuses to pay a permit fee, false alarm fee or late fee assessment pursuant to this Chapter.

C. It is unlawful for a monitoring company to make an alarm dispatch request to an alarm site after the company has been notified by the Alarm Administrator that the permit for that alarm site has been suspended. The monitoring company must pay a \$200.00 fee to the Alarm Administrator for each such dispatch to an alarm site. If the penalty is not paid to the Alarm Administrator within 30 days, a late fee of \$25.00 is hereby imposed on the alarm company.

D. Unless there is a separate indication that there is a crime in progress, Emergency Communications (Dispatch) may not dispatch an officer to an alarm site for which an alarm permit is suspended.

E. If an alarm permit is reinstated, the police may again suspend the alarm permit if it is determined that two false alarms have occurred within 180 days after the reinstatement date. The exception set forth in subsection B.1 applies to any such suspension.

F. This subsection applies to alarm systems, except holdup alarms, robbery alarms and panic alarms, which are subject to suspension at the discretion of the Alarm Administrator.

9.31.140 - Appeals of Determinations Regarding Alarm Permits and Fees.

A. If the Alarm Administrator assesses a fee, suspends an alarm permit or denies the issuance, renewal or reinstatement of an alarm permit, the Alarm Administrator shall send written notice of the action and a statement of the right to appeal to the affected applicant or alarm user and the alarm installation company or monitoring company.

B. The alarm user, alarm installation company or monitoring company may appeal any action described in A. above to the designated administrator of the Police by setting forth in writing the reasons for the appeal and delivering the appeal to the police within 20 business days after receipt of notice of the action. Failure to deliver the appeal within that time period is a waiver of the right to appeal.

C. The procedure for an appeal of the Chief of Police is as follows:

1. The applicant, alarm user, alarm installation company or monitoring company may file a written request for appeal by paying an appeal fee of \$50.00 to the City of Lakewood and setting forth the reasons for the appeal. The appeal must be entitled "Appeal from Alarm Administrator's Action." Appeal fees will be returned to the appealing party if the appeal is successful. Upon good cause shown, the designated Administrator of the Police Chief may, in the exercise of discretion, waive the appeal fee for residential alarm users.

2. The designated administrator of the Police Chief shall conduct a recorded hearing within 30 days after receipt of the request for review and shall consider the evidence submitted by the appealing party and the Alarm Administrator. The designated administrator of the Police Chief must base his/her decision on the preponderance of evidence presented at the hearing and must render a decision within 15 days after the date of the hearing. The decision shall affirm or reverse the decision or action taken by the Alarm Administrator.

3. Any person aggrieved by the decision of the Police Chief or the designated administrator may appeal in accordance with procedures set forth in Chapter 9.31.014 LMC.

4. Filing of an appeal stays any action by the Alarm Administrator to suspend an alarm permit or require the payment of a fee or penalty until the appeal process has been exhausted. This provision applies only to the action of the Alarm Administrator that is the subject of the appeal. The provision does not operate as a bar to enforcement action or violations of this Chapter that occur thereafter.

D. The Alarm Administrator of the Chief of Police or their respective designees may adjust the count of false alarms based on:

1. Evidence that false alarm was caused by action of a communications services provider (i.e. telephone, cellular, cable company);
2. Evidence that a false alarm was caused by a power outage;
3. Evidence that an alarm dispatch request was not a false alarm;
4. The occurrence of multiple alarms within a 24-hour period, which may be considered as one false alarm to allow the alarm user time to take corrective

action, unless the false alarms are directly caused by the alarm user; or the Alarm Administrator may waive all of a False Alarm fee or a partial part of the fee due to extenuating circumstances or to encourage corrective action.

5. On review of fees or penalties assessed to an alarm installation company or monitoring company, the Alarm Administrator, or, if appealed, the Chief, or designee, or the administrative hearing officer, may consider whether the alarm company had engaged in a consistent pattern of violations.

91.31.150 - Reinstatement of Suspended Alarm Permits.

A. On the first suspension of a permit, a person whose alarm permit has been suspended may obtain reinstatement of the permit by the Alarm Administrator if the person:

1. Submits a new application and pays a \$50.00 reinstatement fee; and
2. Pays, or otherwise resolves, all outstanding fees and penalties; and
3. Submits a certification from an alarm installation company stating that the alarm system has been inspected and repaired (if necessary) by the alarm installation company; and
4. The alarm user successfully completes an on-line alarm awareness class and test or written test to waive the first alarm suspension.

B. On the second and every subsequent suspension of a permit, reinstatement may be obtained by compliance with subsection A. above and compliance with any of the following conditions that the Alarm Administrator may require:

1. Proof that an employee of the alarm installation company or monitoring company caused the false alarm.
2. Upgrade the alarm control panel to meet SIA Control Panel Standard CP-01.
3. A written statement from an independent inspector designated by the chief that the alarm system has been inspected and is in good working order.
4. Confirmation that all motion detectors are properly configured.
5. Confirmation that the alarm system requires two independent zones to trigger before transmitting an alarm signal to the monitoring company.
6. Confirmation that the alarm system requires two independent detectors to trigger before transmitting an alarm signal to the monitoring company.
7. Certification that the monitoring company will not make an alarm dispatch request unless the need for law enforcement response is confirmed by voice verification. This condition does not apply to residential property.
8. Certification that the monitoring company will not make an alarm dispatch request unless the need for law enforcement response is confirmed by a camera device. This condition does not apply to residential property.
9. Certification that the monitoring company will not make an alarm dispatch request unless the need for law enforcement is confirmed by a person at the alarm site.
10. The alarm user successfully completes an on-line alarm awareness class and test.

C. The Chief shall reinstate the police department's response to an alarm site as soon as is practicable after receiving notice of reinstatement from the Alarm Administrator.

9.31.160 - Revocation of Alarm User Permit and Business Permit.

A. The Police Chief or designee may revoke an alarm user permit, alarm installation company permit or monitoring company permit if he determines that:

1. There is a violation of this Chapter by the alarm user, alarm installation company or monitoring company;
2. There is a false statement of a material fact in the application for a permit;
3. The registered alarm system has generated more than 12 false alarms during any 12 month period; or
4. The alarm user, alarm installation company or monitoring company has failed to pay an alarm permit fee or late fee, a late renewal fee or any fee or penalty assessed under this Chapter, more than 30 days after the fee is due.

B. The Chief or designee may, for good cause shown, reinstate a permit that has been revoked pursuant to this Chapter.

9.31.170 - Confidentiality of Alarm Information.

A. All information contained in documents gathered through alarm permits, the submission of customer lists and in the alarm appeal process must be held in confidence by all employees of the Alarm Administrator, the City of Lakewood and any third party administrator. Such information is proprietary and is hereby declared confidential. A disclosure of such information would violate the customer's right to privacy and could endanger that person's right to safety. Absent special circumstances, such information must not be released to the public or any person other than a law enforcement agency or the applicable alarm user, alarm installation company or monitoring company, except pursuant to court order.

9.31.180 - Scope of Police Chief Duty; Immunities Preserved.

A. The issuance of alarm permits does not create a contract between the Chief and or City of Lakewood and any alarm user, alarm installation company or monitoring company, nor does it create a duty or obligation, either express or implied, on the Chief to respond to an alarm. Any and all liability and consequential damage resulting from the failure of the Chief to respond to an alarm dispatch request is hereby disclaimed and full governmental immunity as provided by law is retained. By applying for an alarm permit, the alarm user acknowledges that the Chief's response is influenced by the availability of officers, priority of calls, traffic conditions, weather conditions, emergency conditions and staffing levels, prior response history and administrative actions.

9.31.190 - Service Charges

A. Service charges for monitored alarm sites will be assessed to the alarm user, alarm installation company or monitoring company as specified in the provisions of this Chapter. Service charges for unmonitored alarm sites will be assessed to the alarm user.

09.31.200 - Violation – Penalty

In addition to the penalties and regulations provided herein, any person who violates any provision of this chapter shall be guilty of a misdemeanor. (Ord. 55 § 1 (part), 1996.)

Section 3. Severability. If any portion of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or the application of the provision to other persons or circumstances shall not be affected.

Section 4. Effective Date. That this Ordinance shall be in full force and effect five (5) days after publication of the Ordinance Summary.

ADOPTED by the City Council this _____ day of _____, 2008.

CITY OF LAKEWOOD

Douglas G. Richardson, Mayor

Attest:

Alice M. Bush, MMC, City Clerk

Approved as to Form:

Heidi Ann Wachter, City Attorney