

Ordinance No. 121009

Council Bill No. 114395

The City of Seattle
Council Bill/Ordinance

AN ORDINANCE relating to automatic alarm systems; increasing the monetary penalty for certain false alarms and amending Chapter 10.08 of the Seattle Municipal Code.

11-18-02 Bud
11-18-02 Pass

CF No. _____

Date Introduced:	NOV 12 2002	
Date 1st Referred:	NOV 12 2002	To: (committee) BUDGET
Date Re - Referred:		To: (committee)
Date Re - Referred:		To: (committee)
Date of Final Passage:	11-18-02	
	Full Council Vote: 9-0	
Date Presented to Mayor:	11-19-02	
	Date Approved: NOV 18 2002	
Date Returned to City Clerk:	Date Published:	T.O. <input type="checkbox"/> F.T. <input checked="" type="checkbox"/>
	40	
Date Vetoed by Mayor:	Date Veto Published:	
Date Passed Over Veto:	Veto Sustained:	

This file is complete and ready

Law Dept. Review

The City of Seattle - Legislative Department

Council Bill/Ordinance sponsored by: Drago DRAGO
Councilmember

Committee Action:

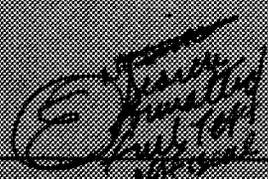
11-18-02 Budget Committee Pass 9-0
11-18-02 Passed 9-0

This file is complete and ready for presentation to Full Council. Committee: _____
(Initial/Date)

Law Dept. Review

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Review


City Clerk
Review


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ORDINANCE 121009

AN ORDINANCE relating to automatic alarm systems; increasing the monetary penalty for certain false alarms and amending Chapter 10.08 of the Seattle Municipal Code.

WHEREAS, it is found to be true that more than 98% of all automatic property and burglary alarm signal activations are false alarms; and

WHEREAS, it is found to be true that automatic property and burglary alarm signal activations are the second most frequent call for police service; and

WHEREAS, it is found to be true that an exorbitant amount of police resources and monies are devoted to false alarms without recovery under the current fine system; and

WHEREAS, increasing the seriousness of the level of civil infraction for false alarms may provide greater recovery of the costs of unnecessary police responses; NOW THEREFORE

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Effective January 1, 2003, Section 10.08.173 of the Seattle Municipal Code is amended as follows:

10.08.173 Penalty for false alarms

The sending of an alarm by an automatic property alarm and/or automatic burglary alarm, which results in the dispatch of the police to the premises on an emergency basis, is a civil infraction and shall be processed as contemplated by RCW Chapter 7.80 whenever: (A) there is no evidence of a crime or other activity that would warrant a call for immediate police assistance or investigation at the premises; and (B) no individual who was on or near the premises, or who had viewed a video communication from the premises, called for the



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2 dispatch or confirmed a need for an immediate police response. The infraction shall be
3 charged to the alarm system user who shall be assessed a monetary penalty. It shall be
4 classified as a Class ((3)) 2 civil infraction under RCW 7.80.120.

5 Section 2. Effective January 1, 2003, Section 10.08.180 of the Seattle Municipal
6 Code is amended as follows:

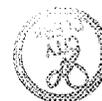
7 **10.08.180 Violation -- Civil penalties.**

8 A.

9 1. The failure of an alarm system monitoring company that engages in
10 business activities in Seattle to comply with any of the requirements of Section 10.08.165
11 shall be a civil infraction as contemplated by RCW Chapter 7.80 and subject as a Class 1
12 civil infraction under RCW 7.80.120(2) to a maximum monetary penalty and a default
13 amount of Two Hundred Fifty Dollars (\$250.00) plus statutory assessments. Each day of
14 noncompliance shall be a separate violation, and the monetary penalties shall accumulate.

15 2. The sending of a false alarm as described in Section 10.08.173 shall be a
16 civil infraction as contemplated by RCW Chapter 7.80 and subject as a Class 2 civil
17 infraction under RCW 7.80.120(2) to a maximum penalty and a default amount of One
18 Hundred Twenty-five Dollars (\$125). Each sending of an alarm under the circumstances
19 described in Section 10.08.173 shall be a separate violation, and the monetary penalties shall
20 accumulate.

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2 B. The violation of or failure to comply with any other provisions of this subchapter
3 shall be a civil infraction as contemplated by RCW Chapter 7.80 and subject as a Class 3
4 civil infraction under RCW 7.80.120(c) to a maximum penalty and a default amount of Fifty
5 Dollars (\$50.00) plus statutory assessments.

6 C. There shall be a maximum penalty and default amount of Twenty- five Dollars
7 (\$25.00) plus statutory assessments for any of the following:

8 1. As contemplated by RCW 7.80.080(1) and 7.80.070(2)(K), a failure to
9 respond to a notice of false alarm within fifteen (15) days from the date of notice;

10 2. As contemplated by RCW 7.80.080(2) and 7.80.070(2)(K), a failure to
11 appear at a requested hearing; and

12 3. As contemplated by RCW 7.80.160(3), a failure to pay a penalty imposed
13 pursuant to subsection A or B.

14 D. If the court determines that a person has insufficient funds to pay the monetary
15 penalty, the court may order performance of a number of hours of community service
16 instead. The court may impose sanctions upon person found in contempt of court as
17 contemplated by RCW 7.80.160(3) and RCW Chapter 7.21.

18 E. The Seattle Municipal Court may waive the first civil penalty incurred by an
19 alarm system user and clear the notice of violation as a warning if:
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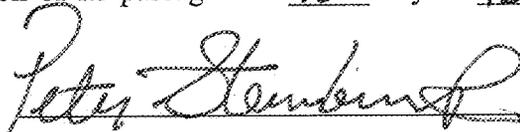


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1. The notice describes a violation of Section 10.08.173;
2. The notice of violation is the first violation of Section 10.08.173 incurred by the alarm system user on or after September 1, 1993; and
3. Within fifteen (15) days after the date of the notice, the alarm system user either follows the instructions on the back of the notice to arrange an appearance in court or mails a written application to the court requesting a waiver and clearance as a warning.

Section 3. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the 18th day of November, 2002, and signed by me in open session in authentication of its passage this 18th day of November, 2002.



President of the City Council

Approved by me this _____ day of _____, 2002.
**Returned Unsigned
by Mayor**

Mayor

Filed by me this 27th day of November, 2002.



City Clerk

(SEAL)





Legislative Department

Office of City Clerk

Memorandum

Date: November 27, 2002

To: Councilmembers

From:

Judith Pippin, City Clerk

 Acting City Clerk

Subject: Mayor's Return of Council Bill 114395 Unsigned

On Tuesday, November 26, 2002, the Mayor returned Council Bill 114395, relating to automatic alarm systems; increasing the monetary penalty for certain false alarms and amending Chapter 10.08 of the Seattle Municipal Code, to this office without his signature. This Bill was passed by the Budget Committee on November 18, 2002.

The absence of the Mayor's signature indicates neither his approval nor disapproval of the Council Bill addressed in Seattle Municipal Code 1.04.020 and City Charter Article IV, Section 12. However, a Bill returned by the Mayor unsigned is considered "approved" for purposes of the Bill becoming an Ordinance, and therefore, law, within the City of Seattle. The effective date of the Ordinance is 30 days from the date it was returned, unless otherwise stated in the Bill.

STATE OF WASHINGTON – KING COUNTY

--SS.

152203
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

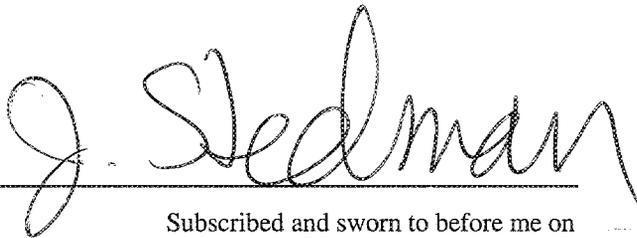
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

CT:ORDINANCE 121009

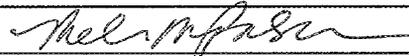
was published on

12/2/2002



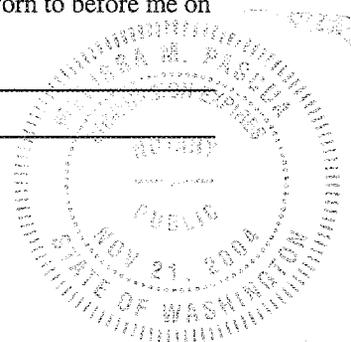
Subscribed and sworn to before me on

12/2/2002



Notary public for the State of Washington,
residing in Seattle

Affidavit of Publication



State of Washington King County
City of Seattle

ORDINANCE 121009

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Section. Effective January 1, 2003 Section 10.08.180 of the Seattle Municipal Code is amended as follows:

10.08.180 Violation -- Civil penalties.

A.

1. The failure of an alarm system monitoring company that engages in business activities in Seattle to comply with any of the requirements of Section 10.08.165 shall be a civil infraction as contemplated by RCW Chapter 7.80 and subject as a Class 1 civil infraction under RCW 7.80.120(2) to a maximum monetary penalty and a default amount of Two Hundred Fifty Dollars (\$250.00) plus statutory assessments. Each day of noncompliance shall be a separate violation, and the monetary penalties shall accumulate.

2. The sending of a false alarm as described in Section 10.08.173 shall be a civil infraction as contemplated by RCW Chapter 7.80 and subject as a Class 2 civil infraction under RCW 7.80.120(2) to a maximum penalty and a default amount of One Hundred Twenty-five Dollars (\$125). Each sending of an alarm under circumstances described in Section 10.08.173 shall be a separate violation, and the monetary penalties shall accumulate.

B. The violation of or failure to comply with any other provision of this subchapter shall be a civil infraction as contemplated by RCW Chapter 7.80 and subject as a Class 3 civil infraction under RCW 7.80.120(c) to a maximum penalty and a default amount of Fifty Dollars (\$50.00) plus statutory assessments.

C. There shall be a maximum penalty and default amount of Twenty-five Dollars (\$25.00) plus statutory assessments for any of the following:

1. As contemplated by RCW 7.80.080(1) and 7.80.070(5)(k), a failure to respond to a