

ORDINANCE No. 121332

COUNCIL BILL No. 114703

AN ORDINANCE relating to alarm systems; establishing licensing and fee provisions for burglar and fire alarm system monitoring companies; establishing penalties for false burglar alarms and appeal procedures relative thereto; amending provisions for alarm verification, frequent false alarms, and civil penalties; adding a new chapter to Seattle Municipal Code Title 6, repealing Sections 10.08.080, 10.08.090, 10.08.100, 10.08.110, 10.08.120, 10.08.173, and amending Sections 10.08.140, 10.08.165, 10.08.178, and 10.08.180, respectively, of the Seattle Municipal Code.

The City

Honorable President:

Your Committee on RFC

to which was referred the within C report that we have considered the

9-22-03 Hold

9-29-03 Hold 1 w

10-13-03 Re-refer

10-24-03 Pass As

Law Department

COMPTROLLER FILE No.

Introduced: <u>SEP 15 2003</u>	By: <u>COMPTON</u>
Referred: <u>SEP 15 2003</u>	To: <u>Police, Fire, Courts & Technology Committee</u>
Referred: <u>10-13-03</u>	To: <u>Budget</u>
Referred:	To:
Reported: <u>11-24-03</u>	Second Reading:
Third Reading: <u>11-24-03</u>	Signed: <u>11-24-03</u>
Presented to Mayor: <u>11-25-03</u>	Approved: <u>12/5/03</u>
Returned to City Clerk: <u>12/5/03</u>	Published: <u>Full 2/1/04</u>
Vetoed by Mayor:	Veto Published:
Passed over Veto:	Veto Sustained:

Handwritten initials/signature

The City of Seattle--Legislative Department

REPORT OF COMMITTEE

Date Reported and Adopted

9/17/03

Compton	Yes	Pass
Pagler	Yes	"
McIver	Yes	"

President:

Committee on PFC+T

was referred the within Council Bill No. _____

that we have considered the same and respectfully recommend that the same:

2-03 Hold 1 week

3-03 Hold 1 week

4-03 Re-referred to Budget Committee

5-03 Pass As Amended **B-1** (No: McIver)

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 Saw [unclear] [unclear]
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Department _____

Committee Chair _____

ORDINANCE 121332

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3 AN ORDINANCE relating to alarm systems; establishing licensing and fee provisions for burglar and
4 fire alarm system monitoring companies; establishing penalties for false burglar alarms and
5 appeal procedures relative thereto; amending provisions for alarm verification, frequent false
6 alarms, and civil penalties; adding a new chapter to Seattle Municipal Code Title 6, repealing
Sections 10.08.080, 10.08.090, 10.08.100, 10.08.110, 10.08.120, 10.08.173, and amending
Sections 10.08.140, 10.08.165, 10.08.178, and 10.08.180, respectively, of the Seattle Municipal
Code.

7 WHEREAS, the number of monitored fire and property alarms within the city of Seattle continues to
8 grow and the costs associated with responding to these alarms has increased accordingly; and

9 WHEREAS, over ninety-eight percent of all burglar and property alarms requiring police dispatch are
ultimately proven to be false alarms; and

10 WHEREAS, alarm monitoring companies currently enjoy the benefit of police response to their
11 customers' alarms without any accountability for the accuracy or reliability of their alarm
systems; and

12 WHEREAS, the efforts of City employees in tracking and administering fees for false alarms will be
13 minimized if such fees are collected from alarm monitoring companies;

14 NOW, THEREFORE,

15 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

16 **Section 1.** Effective January 1, 2004, a new Chapter is added to Title 6, Subtitle I, of the Seattle
17 Municipal Code as follows:

18 **CHAPTER 6.10 Alarm System Monitoring Companies – Fire Alarm Monitoring Companies**

19 **Subchapter I – Alarm System Monitoring Companies**

20 **SMC 6.10.005 Definitions.**

21 A. The definitions contained in Chapters 5.30 of the Seattle Municipal Code shall be fully
22 applicable to this chapter except as expressly stated to the contrary herein.
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1 B. "Alarm system monitoring company," "burglary alarm," "panic alarm", "property alarm,"
2 and "robbery alarm" have the meanings contained in SMC Chapter 10.08.

3 C. "Alarm system" or "alarm device" means any system, device, or mechanism which, when
4 activated, transmits a telephonic, wireless, electronic, video, or other form of message to an alarm
5 system monitoring company, or some other number, or emits an audible or visible signal that can be
6 heard or seen by persons outside the protected premises, or transmits a signal beyond the premises in
7 some other fashion, except any system, device, or mechanism primarily protecting a motor vehicle. An
8 alarm system or alarm device may consist of one or more components (e.g., motion detector, window
9 breach detector, or similar components) all reporting to a central unit/system panel which, in turn, is
10 connected to or reports to an alarm system monitoring company via telephonic, wireless, electronic,
11 video, or other form of message.

12 D. "Department" means the Department of Executive Administration of the City of Seattle.

13 **SMC 6.10.010 Alarm System Monitoring Companies - License required - Fee.**

14 A. It is unlawful for any person to engage in business in the City of Seattle as an alarm system
15 monitoring company without first having obtained an annual license to do so. An annual license is
16 required regardless of whether alarms are monitored from a location inside or outside Seattle. The fee
17 for such annual license is based upon two components: (1) The following aggregate amount:

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19	Zero to 100 Seattle monitored alarms	\$100.00 per annum;
20	101 to 200 Seattle monitored alarms	\$200.00 per annum;
21	201 to 500 Seattle monitored alarms	\$400.00 per annum;
22	Over 500 Seattle monitored alarms	\$500.00 per annum;

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1 and (2) Forty Dollars (\$40) per year for each property alarm, burglary alarm, robbery alarm and panic
2 alarm located in Seattle and monitored by the alarm system monitoring company at any time during the
3 calendar year.

4 B. The license required pursuant to this chapter is separate from and in addition to any license
5 required by any other chapter of the Seattle Municipal Code including, but not limited to, that required
6 pursuant to Chapter 5.45, Business License Tax; Chapter 5.55, General Administrative Provisions; and
7 Chapter 6.08, pertaining to burglar alarms installers.

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9 **SMC 6.10.015 Annual license and due date.**

10 A. The annual license renewal fee shall be payable in advance by the alarm system monitoring
11 company on a calendar year basis, except in 2004, where the annual license fee shall be due by April 1.
12 Licenses expire on December 31 in the calendar year in which they were issued and must be renewed by
13 January 31 of the next year in order to avoid penalty.

14 B. Application for, and renewal of, the annual license shall be on forms specified by the Director
15 and shall be accompanied by the license fee. Each annual application for, or renewal of, a license shall
16 contain a list of all addresses at which monitored alarm systems are installed, the name of the
17 corresponding subscriber, customer number, if applicable, and the number of alarm systems at such
18 address.

19 **SMC 6.10.020 Calculation of fees.**

20 A. New alarm monitoring companies will pay the fee contained in SMC 6.10.010 A (1), which
21 shall be computed on the number of alarm systems monitored at the time of initial application.

22 B. The license fee component contained in SMC 6.10.010 A (1) shall not be adjusted quarterly
23 for the number of alarm systems monitored each quarter, however the fee shall be prorated on a
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1 quarterly basis at the time of initial application.

2 C. The license fee component contained in SMC 6.10.010 A (2) shall be adjusted quarterly to
3 reflect additional alarm systems first monitored during that quarter. Each alarm system monitoring
4 company shall file quarterly, in the format specified by the Director, a list of all additional addresses at
5 which it monitored alarms during such quarter, the name of the corresponding subscriber, and the
6 number of alarms at such address. The quarterly report shall be accompanied by payment of the
7 additional forty dollar (\$40.00) per alarm system fee due, if any. See proration calculations in SMC
8 6.10.030 below. The quarterly report should also list alarm systems that have been discontinued or, if
9 known, transferred to another alarm monitoring company.

10 D. Each alarm system monitoring company shall file a quarterly report regardless of whether
11 any additional fees are due.

12 **SMC 6.10.030 License fee proration.**

13 In calculating the license fee component contained in SMC 6.10.010 A (1), only the initial
14 license fee will be prorated on a quarterly basis for applications made after the first quarter. The license
15 fee component contained in SMC 6.10.010 A (2) will be prorated in equal amounts on a quarterly basis
16 for alarm systems that begin to be monitored after the first quarter. A credit will be given for the
17 prorated portion of the license fee contained in SMC 6.10.010 A (2) paid by another alarm monitoring
18 company for the present year on an alarm system that is transferred from one company to another alarm
19 monitoring company; provided that satisfactory proof that the license fee component contained in SMC
20 6.10.010 A (2) has been paid is supplied to the Director.

21 **SMC 6.10.040 Duty of licensee.**

22 A. It shall be the duty of all licensees granted licenses under this chapter to comply with all
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1 applicable regulations in this chapter or elsewhere, including, without limitation, SMC Chapter 10.08.

2 The failure of any licensee to do so shall be a violation of this chapter and grounds to suspend or revoke
3 the license.

4 B. No licensee granted a license under this chapter shall allow any person who has had their
5 alarm monitoring license revoked or suspended by the City of Seattle to be financially interested in its
6 business, or to be in its employ, within one year from the date of such revocation or suspension.

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8 **SMC 6.10.050 Licenses not transferable.**

9 No license issued pursuant to this chapter shall be transferable unless in accordance with SMC
10 Chapter 6.02. A person not previously licensed that assumes responsibility for monitoring alarms for
11 which another person has paid the annual license fee shall obtain a new license for the remainder of the
12 year by paying the license fee component contained in SMC 6.10.010 A (1).

13 **SMC 6.10.060 Duty to inform subscribers of ordinance and billing policies.**

14 All persons licensed pursuant to this chapter shall supply each of their system subscribers with
15 copies of this chapter and chapter 10.08. Licensees who choose to bill their subscribers for any license
16 fee imposed by this chapter shall give to each of their subscribers a copy of the licensee's policies and
17 practices with respect to such billing.

18 **SMC 6.10.070 Suspension or revocation of license.**

19 The Director shall have the power and authority to suspend or revoke any license issued under
20 the provisions of this chapter as set forth in SMC Chapter 6.02. No suspended or revoked license may
21 be reinstated without prior payment of all fees due and outstanding, including false alarm fees. The
22 Director shall notify the Seattle Police Department of any revocation or suspension, and in the discretion
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1 of the Police Department, no response may be made to any alarms monitored by the alarm system
2 monitoring company until the license is reinstated. An alarm system monitoring company whose license
3 has been revoked or suspended shall notify each of its subscribers of the revocation or suspension. The
4 notice shall be in writing and shall be mailed to all subscribers no later than the tenth calendar day
5 following such suspension or revocation.

6 **SMC 6.10.080 Penalty and interest for failure to pay.**

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8 A. If a license application, renewal, quarterly report, or payment of any fee due under this
9 chapter is not received on or before the last day of the month in which it becomes due or within an
10 extension of time granted by the Director, there shall be added to the amount, a penalty of ten percent
11 (10%) of the fees owing or Twenty Dollars (\$20), whichever is greater, if the payment is received
12 between one (1) and thirty (30) days after the date it becomes due, or a penalty of twenty percent (20%)
13 of the fees owing or Thirty Dollars (\$30), whichever is greater, if the payment is later than thirty (30)
14 days after the due date.

15 B. The licensee shall be notified by mail of the amount of any penalties so added, and the same
16 shall become due and shall be paid within ten days from the date of such notice.

17 **SMC 6.10.090 Violation -- Civil Penalties.**

18 The failure of a person that engages in business in Seattle as an alarm system monitoring
19 company to comply with any provision of this chapter shall be a civil infraction as contemplated by
20 RCW Chapter 7.80 and subject as a Class 1 civil infraction under RCW 7.80.120(2) to a maximum
21 monetary penalty and a default amount of Two Hundred Fifty Dollars (\$250.00) plus statutory
22 assessments. Each day of noncompliance shall be a separate violation, and the monetary penalties shall
23 accumulate.
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SMC 6.10.100 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 shall be subject to a false alarm response fee of one hundred twenty-five dollars (\$125.00) whenever there is no evidence of a crime or other activity that would warrant a call for police assistance or investigation at the premises; provided, however, that no false alarm fee shall be assessed if any individual who was on or near the premises, or who had viewed a video communication from the premises, called for the dispatch and confirmed a need for a police response. The false alarm response fee shall be assessed against the alarm system monitoring company.

SMC 6.10.110 Notice and hearing on penalty for false alarms.

A. The Department shall mail by first class mail a written notice of the false alarm response fee to the alarm monitoring company. The notice shall state the date and time of the false alarm, and that the alarm monitoring company is entitled to a hearing to respond to the notice and introduce any evidence to refute or mitigate the fee. All false alarm fees are due and payable within thirty (30) days of the date that the Department mails the notice, unless: (1) an appeal is filed pursuant to subsection B of this section, in which case the fees appealed from are due and payable within ten (10) days after the date of the written ruling, or (2) a waiver is requested and an alarm user class is scheduled pursuant to subsection D of this section.

B. An alarm system monitoring company wanting to contest a false alarm fee shall file a written appeal with the Director within thirty (30) days after the date of the notice. A hearing shall be held by the Director, or the Director's designee, not more than fourteen (14) days from the date the appeal is filed. Within twenty (20) days after the hearing, the Department shall issue a written ruling including



1 factual findings and the Director's conclusion, with supporting reasons, affirming or reversing the
2 notice. The Decision of the Director shall be final.

3 C. The Director may, but is not required to, delegate authority to conduct hearings under this
4 section to the Seattle Police Department.

5 D. The Director may waive the first false alarm fee, on a one-time basis, if the owner of the
6 monitored alarm attends an alarm user class as defined in Section 10.08.140 of the Seattle Municipal
7 Code. The owner of the alarm must attend the class within 90 days of the date of the false alarm billing.
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9 **Subchapter II – Fire Alarm Monitoring Companies**

10 **SMC 6.10.205 Definitions.**

11 A. "Fire alarm monitoring company" means any individual, partnership, corporation, or other
12 form of association that is listed with Underwriters' Laboratories as a "Full Service Company" or
13 "Monitoring Company," and engages in the business of monitoring fire alarm systems located within the
14 city of Seattle.

15 B. "Fire alarm system" means a system, or portion of a combination system, that is approved by
16 the Seattle Fire Department and that consists of components and circuits arranged to monitor and
17 announce the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate
18 response to those signals. This definition does not include heat or smoke detectors that are installed in
19 conjunction with property or burglary alarms as defined in SMC 10.08.140, and that are not approved by
20 the Seattle Fire Department.

21 **SMC 6.10.210 Fire Alarm Monitoring Companies - License Required – Fee.**

22 A. It is unlawful for a fire alarm monitoring company to engage in the business of monitoring
23 fire alarm systems located within the city of Seattle without first having obtained an annual license to do
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1 so. The fee for such annual license is based upon two components: (1) The following aggregate
2 amount:

- 3 Zero to 100 Seattle monitored alarm systems \$100.00 per annum;
- 4 101 to 200 Seattle monitored alarm systems \$200.00 per annum;
- 5 201 to 500 Seattle monitored alarm systems \$400.00 per annum;
- 6 500 to 1000 Seattle monitored alarm systems \$500.00 per annum;
- 7 Over 1000 Seattle monitored alarm systems \$500.00 per annum;

8 and (2) one of the following amounts for each fire alarm located in Seattle and monitored by the fire
9 alarm monitoring company at any time during the calendar year:

- 10 a. Alarm systems required by Seattle Fire Code or Seattle Building Code....\$320.00 per
11 alarm system, per annum;
- 12 b. Alarm systems not required by Seattle Fire Code or Seattle Building Code \$80.00 per
13 alarm system, per annum.

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15 B. A heat or smoke detector that is installed in conjunction with a property or burglar alarm and
16 is not approved by the Seattle Fire Department shall be subject only to the annual license fees and
17 related provisions contained in subchapter I.

18 C. The license required pursuant to this subchapter is separate from and in addition to any
19 license required by any other chapter of the Seattle Municipal Code including, but not limited to, that
20 required pursuant to Chapter 5.45, Business License Tax; Chapter 5.55, General Administrative
21 Provisions; and Chapter 6.08, pertaining to burglar alarms installers.

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1 D. The issuance and renewal of a license pursuant to this subchapter is conditioned upon the fire
2 alarm monitoring company's continuing conformance with all requirements of the Seattle Fire Code and
3 the Seattle Fire Department Administrative Rules for central station monitoring.

4 **SMC 6.10.215 Annual license and due date.**

5 A. The annual license renewal fee shall be payable in advance by the fire alarm monitoring
6 company on a calendar year basis, except in 2004, where the annual fee shall be due by April 1.

7 Licenses expire on December 31 in the calendar year in which they were issued and must be renewed by
8 January 31 of the next year in order to avoid penalty.

9 B. Application for, and renewal of, the annual license shall be on forms specified by the Director
10 and shall be accompanied by the license fee. Each annual application for, or renewal of, a license shall
11 contain a list of all buildings in which the applicant monitors fire alarm systems, showing the street
12 address for each building where the applicant monitors fire alarm systems; the number of fire alarm
13 systems monitored by the applicant in each individual listed building; and the name, addresses and
14 telephone number for the owner of each monitored fire alarm system.

15 **SMC 6.10.220 Calculation of fees.**

16 A. New fire alarm monitoring companies will pay the fee contained in SMC 6.10.210 A (1),
17 which shall be computed on the number of alarm systems monitored at the time of initial application.

18 B. The license fee component contained in SMC 6.10.210 A (1) shall not be adjusted quarterly
19 for the number of fire alarm systems monitored each quarter, however the fee shall be prorated on a
20 quarterly basis at the time of initial application.

21 C. The license fee component contained in SMC 6.10.210 A (2) shall be adjusted quarterly to
22 reflect additional alarm systems first monitored during that quarter. Each fire alarm monitoring
23 company shall file quarterly, in the format specified by the Director, a list of all additional addresses at
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1 which it monitored alarms during such quarter, the name of the corresponding subscriber, and the
2 number of alarms at such address. The quarterly report shall be accompanied by payment of the
3 additional per-alarm-system fee due, if any. See proration calculations in SMC 6.10.230 below. The
4 quarterly report should also list fire alarm systems that have been discontinued or, if known, transferred
5 to another fire alarm monitoring company.

6 D. Each fire alarm monitoring company shall file a quarterly report regardless of whether any
7 additional fees are due.

8 **SMC 6.10.230 License fee proration.**

9 A. In calculating the license fee component contained in SMC 6.10.210 A (1), only the initial
10 license fee will be prorated on a quarterly basis for applications made after the first quarter. The license
11 fee component contained in SMC 6.10.210 A (2) will be prorated in equal amounts on a quarterly basis
12 for fire alarm systems that begin to be monitored after the first quarter. A credit will be given for the
13 prorated portion of the license fee contained in SMC 6.10.210 A (2) paid by another fire alarm
14 monitoring company for the present year on a fire alarm system that is transferred from one company to
15 another fire alarm monitoring company; provided that satisfactory proof that the license fee component
16 contained in SMC 6.10.210 A (2) has been paid is supplied to the Director.

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18 **SMC 6.10.240 Duty of licensee; License not transferable; Duty to inform subscribers;**
19 **Penalty and interest for failure to pay; Violation – Civil penalties.**

20 The provisions applicable to alarm system monitoring companies contained in SMC 6.10.040,
21 6.10.050, 6.10.060, 6.10.080, and 6.10.090 shall be applicable to fire alarm monitoring companies as if
22 fully set forth herein. Reference in these sections to the Seattle Police Department shall be construed in
23 this subchapter as reference to the Seattle Fire Department. Reference in the above sections to alarm
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1 system monitoring companies shall be construed in this subchapter as reference to fire alarm monitoring
2 companies. This chapter does not modify any provision of SMC 12A.60.105, and is not intended to
3 impose any penalty for activating or triggering a false fire alarm.

4 **SMC 6.10.250 Suspension or revocation of license.**

5 The Director shall have the power and authority to suspend or revoke any license issued under
6 the provisions of this chapter as set forth in SMC Chapter 6.02. No suspended or revoked license may
7 be reinstated without prior payment of all fees due and outstanding. A fire alarm monitoring company
8 whose license has been revoked or suspended shall notify each of its subscribers of the revocation or
9 suspension. The notice shall be in writing and shall be mailed to all subscribers no later than the tenth
10 calendar day following such suspension or revocation.

11 **Section 2.** Effective January 1, 2004, Sections 10.08.080, 10.08.090, 10.08.100, 10.08.110,
12 10.08.120, and 10.08.173 of the Seattle Municipal Code are hereby repealed in their entirety.

13 **Section 3.** Effective January 1, 2004, Subsection A of Section 10.08.140 of the Seattle
14 Municipal Code is amended as follows:

15 **SMC 10.08.140 Definitions.**

16 As used in this subchapter, the following terms have the meanings indicated unless the context clearly
17 requires another interpretation:

18 A. "Alarm system monitoring company" means any individual, partnership, corporation, or
19 other form of association that engages in the business of monitoring property, burglary, robbery, or
20 panic alarms(~~(, and reporting any activation of such alarm systems to the Seattle Police Department)~~).

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22 **Section 4.** Effective January 1, 2004, Section 10.08.140 of the Seattle Municipal Code is
23 amended to add three new subsections as follows:
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1 "Alarm user class" means a class provided by the Alarm Unit of the Seattle Police Department
2 for the purpose of educating alarm users about false alarms.

3 "Alarm system" or "alarm device" means any system, device, or mechanism which, when
4 activated, transmits a telephonic, wireless, electronic, video, or other form of message to an alarm
5 system monitoring company, or some other number, or emits an audible or visible signal that can be
6 heard or seen by persons outside the protected premises, or transmits a signal beyond the premises in
7 some other fashion, except any system, device, or mechanism primarily protecting a motor vehicle. An
8 alarm system or alarm device may consist of one or more components (e.g., motion detector, window
9 breach detector, or similar components) all reporting to a central unit/system panel which, in turn, is
10 connected to or reports to an alarm system monitoring company via telephonic, wireless, electronic,
11 video, or other form of message.

12 "Director" means the Director of Executive Administration of the City or any officer, agent or
13 employee of the City designated to act on the Director's behalf.

14 The City's Code Reviser is authorized and directed to insert these new subsections in
15 alphabetical order, and to renumber SMC 10.08.140 accordingly.

16 **Section 5.** Effective January 1, 2004, Section 10.08.165 of the Seattle Municipal Code is
17 amended as follows:

18 **SMC 10.08.165 Alarm system monitoring companies -- Verification process.**

19 Every alarm system monitoring company engaging in business activities in Seattle shall:

20 A. Obtain a City of Seattle business license from the Department of ~~((Finance))~~Executive
21 Administration as provided in SMC Chapter 6.10;

22 B. Provide the Chief of Police such information about the nature of its property alarms, burglary
23 alarms, robbery alarms, and panic alarms; its method of monitoring; its program for preventing false
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1 alarms; and its method of disconnecting audible alarms, each as the Chief may require by rule adopted
2 pursuant to the Administrative Code, Chapter 3.02;

3 C. Maintain a current list of all subscribers' names and the associated protected premises it
4 serves, which list shall be ~~((accessible))~~ given to the ~~((Chief at all times))~~ Director on a quarterly basis;

5 D. Verify with those subscribers who have an automatic alarm system, each alarm signal that has
6 been accepted by the alarm system monitoring company ~~((Maintain))~~ using a verification process ~~((with~~
7 ~~those subscribers who have an automatic alarm system-))~~ to prevent false alarms from resulting in
8 unnecessary police dispatches. ~~((; and))~~

9 A verification process is an independent method of determining that a signal from an automatic
10 alarm system reflects a need for police assistance or investigation. The means of verification shall
11 include one (1) or more of the following:

12 1. An attempt by the alarm system monitoring company, or its representative, to contact the
13 alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact
14 with a person is made, to determine whether an alarm signal is valid before requesting law enforcement
15 dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this
16 ordinance, telephone verification shall require, as a minimum, that a second call be made to a different
17 number if the first attempt fails to reach an alarm user who can properly identify themselves to
18 determine whether an alarm signal is valid before requesting law enforcement dispatch;

19 2. A feature that permits the alarm system user or a person authorized by the user to send a
20 cancellation code to the alarm system monitoring company that will cancel an alarm immediately after it
21 has been sent and prevent the monitoring company calling for a police dispatch;

1 3. The installation of a video system that provides the alarm system monitoring company when
2 the signal is received with the ability to ascertain that activity is occurring which warrants police
3 assistance or investigation;

4 4. An independent confirmation that a signal reflects a need for police assistance or investigation
5 either by the alarm system user, a person at or near the premises, or an alternate response agency made
6 before dispatching police; or

7 5. An alternate system that the Chief determines has or is likely to have a high degree of
8 reliability.

9 E. When the Chief reports that there appears to have been a false alarm at a subscriber's
10 premises, work cooperatively with the subscriber and the Chief in order to determine the cause thereof
11 and prevent recurrences.

12 ~~A verification process is an independent method of determining that a signal from an automatic~~
13 ~~alarm system reflects a need for immediate police assistance or investigation. The verification process~~
14 ~~shall not take more than five (5) minutes calculated from the time that the alarm signal has been~~
15 ~~accepted by the alarm system monitoring company until a decision is made whether to call for a police~~
16 ~~dispatch. The means of verification may include one (1) or more of the following:~~

17 ~~1. The establishment of voice communication with an authorized person at or near the premises~~
18 ~~who may indicate whether or not need for immediate police assistance or investigation exists;~~

19 ~~2. A feature that permits the alarm system user or a person authorized by the user to send a~~
20 ~~special signal to the alarm system monitoring company that will cancel an alarm immediately after it has~~
21 ~~been sent and prevent the monitoring company calling for a police dispatch;~~



1 3. ~~The installation of a video system that provides the alarm system monitoring company when~~
2 ~~the signal is received with the ability to ascertain that activity is occurring which warrants immediate~~
3 ~~police assistance or investigation;~~

4 4. ~~A confirmation that a signal reflects a need for immediate police assistance or investigation~~
5 ~~either by the alarm system user, a person at or near the premises, or an alternate response agency made~~
6 ~~before dispatching police; or~~

7 5. ~~An alternate system that the Chief determines has or is likely to have a high degree of~~
8 ~~reliability.~~

9 **Section 6.** Effective January 1, 2004, Section 10.08.173 of the Seattle Municipal Code is hereby
10 repealed.

11 **Section 7.** Effective January 1, 2004, Section 10.08.178 of the Seattle Municipal Code is
12 amended as follows:

13 **SMC 10.08.178 Frequent false alarms – Process for disregarding false alarms – In-person**
14 **verification.**

15 A. In exercising his or her discretion to make ~~((an immediate))~~a dispatch in response to an
16 automatic property or automatic burglary alarm, the Chief of Police ~~((shall))~~may disregard a call for
17 ~~((emergency assistance))~~dispatch when:

18 1. ~~((The premises are not a residence; and~~

19 2. ~~))~~The call comes from or is prompted by an automatic property alarm or automatic burglary
20 alarm that has a record of sending six (6) false alarms within a period of twelve (12) months; and

21 ~~((3))~~2. The call is the only basis for making such a dispatch.

22 The Chief may consider such a call as an additional factor in making his or her decision to order ~~((an~~
23 ~~immediate))~~a dispatch when an in-person ~~((call,))~~ verification from an individual at ~~((or near))~~ the
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1 premises, or other independent evidence, shows a need for (~~immediate~~) police assistance at the
2 premises.

3 B. To discourage false alarms, the Chief may adopt a process of sending a letter (~~or delivering a~~
4 ~~notice~~) by regular mail informing the alarm system (~~user~~) monitoring company of record of the
5 (~~consequences of a~~) false alarm history, the need to take corrective action, and the prospect that six (6)
6 false alarms within a twelve (12) month period shall result in the automatic signals being disregarded
7 and an in-person (~~call or~~) verification being required or other independent information showing a need
8 for such a dispatch before (~~an immediate~~) a dispatch will be made to the premises.

9 C. Before acting as authorized in subsection A of this section, the Chief shall send or deliver a
10 notice to the alarm system (~~user~~) monitoring company that:

- 11 1. Six (6) false alarms have been received within a twelve (12) month period;
- 12 2. The remedy authorized in subsection A may be taken;
- 13 3. The (~~user~~) alarm system monitoring company may request a hearing before the Chief or his
14 designee and explain why the Chief should not take the proposed action; if no hearing is
15 requested, the Seattle Police Department will after ten (10) days disregard automatic signals from
16 the premises without a (~~call or~~) verification from an individual or other independent
17 information showing a need for such dispatch; and
- 18 4. A requirement of an in-person communication or verification may remain in effect for a period
19 of three hundred sixty-five (365) days.

20 D. If a hearing is requested, the Chief shall schedule the hearing within ten (10) days. Both the
21 alarm user and a representative from the alarm system monitoring company are required to attend. The
22 Chief may take into consideration such factors as the steps that the alarm system user or alarm system
23 monitoring company has taken or is taking to correct the problem; the incidence of crime in the area; the
24

1 facts and circumstances of the false alarms; and other relevant information presented by the user or the
2 monitoring company.

3 E. The Chief may suspend or cancel the remedy under subsection A if he or she determines that
4 the automatic alarm system has been corrected to prevent the recurrence of false alarms.

5 F. "Dispatch" (~~(or "immediate dispatch")~~) means a discretionary decision whether to direct police
6 units to a location where there has been a report made, by whatever means, that police assistance or
7 investigation is needed. There is no duty to dispatch (~~(or immediately dispatch)~~) under any
8 circumstances whatever, whether automatic alarms are involved or not, and all dispatch decisions are
9 made subject to competing priorities and available police response resources.

10 **Section 8.** Effective January 1, 2004, Section 10.08.180 of the Seattle Municipal Code is
11 amended as follows:

12 **SMC 10.08.180 Violation – Civil penalties**

13 A. ~~((+-))~~ The failure of an alarm system monitoring company that engages in business activities
14 in Seattle to comply with any of the requirements of Section 10.08.165 shall be a civil infraction as
15 contemplated by RCW Chapter 7.80 and subject as a Class 1 civil infraction under RCW 7.80.120(2) to
16 a maximum monetary penalty and a default amount of Two Hundred Fifty Dollars (\$250.00) plus
17 statutory assessments. With respect to Subsections A, B, C, and E of Section 10.08.165, ~~((E))~~ each day
18 of noncompliance shall be a separate violation, and the monetary penalties shall accumulate. With
19 respect to Subsection D of Section 10.08.165, each failure to verify an alarm signal that has been
20 accepted by the alarm system monitoring company and results in a false alarm, shall be a separate
21 violation.

22 ~~((2. The sending of a false alarm as described in Section 10.08.173 shall be a civil infraction as~~
23 ~~contemplated by RCW Chapter 7.80 and subject as a Class 2 civil infraction under RCW 7.80.120(2) to~~
24



1 ~~a maximum penalty and a default amount of One Hundred Twenty five Dollars (\$125). Each sending of~~
2 ~~an alarm under the circumstances described in Section 10.08.173 shall be a separate violation, and the~~
3 ~~monetary penalties shall accumulate.))~~

4 B. The violation of or failure to comply with any other provisions of this subchapter shall be a
5 civil infraction as contemplated by RCW Chapter 7.80 and subject as a ~~((Class 3))~~Class 1 civil infraction
6 under RCW 7.80.120(c) to a maximum penalty and a default amount of ~~((Fifty Dollars (\$50.00)))~~Two
7 Hundred Fifty Dollars (\$250) plus statutory assessments.

8 C. There shall be a maximum penalty and default amount of ~~((Twenty five Dollars~~
9 ~~(\$25.00)))~~Two Hundred Fifty Dollars (\$250) plus statutory assessments ((for any of the following:

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

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

14 3. ~~As~~)as contemplated by RCW 7.80.160(3), for a failure to pay a penalty imposed pursuant to
15 subsection A or B.

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

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

22 1. ~~The notice describes a violation of Section 10.08.173;~~



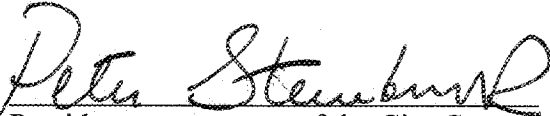
- 1 ~~2. The notice of violation is the first violation of Section 10.08.173 incurred by the alarm system~~
- 2 ~~user on or after September 1, 1993; and~~
- 3 ~~3. Within fifteen (15) days after the date of the notice, the alarm system user either follows the~~
- 4 ~~instructions on the back of the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

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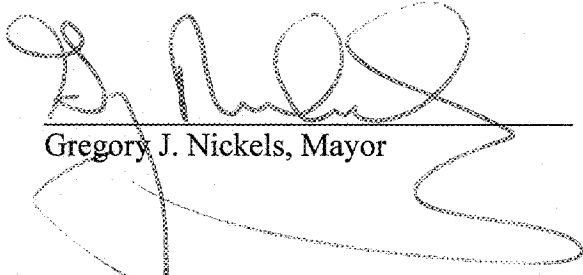


1 **Section 9.** This ordinance shall take effect and be in force thirty (30) days from and after
2 its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after
3 presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

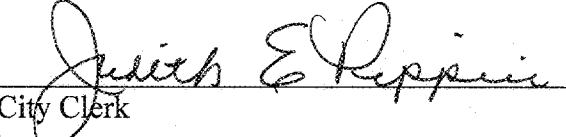
4
5 Passed by the City Council the 24th day of November 2003, and signed by me in open
6 session in authentication of its passage this 24th day of November 2003.

7
8 
9 President _____ of the City Council

10
11 Approved by me this 2 day of December, 2003.

12
13 
14 Gregory J. Nickels, Mayor

15
16
17 Filed by me this 5 day of Dec, 2003.

18
19 
20 City Clerk

21 (Seal)





City of Seattle

Gregory J. Nickels, Mayor

Office of the Mayor

September 9, 2003

Honorable Peter Steinbrueck
President
Seattle City Council
City Hall, 2nd Floor

Dear Council President Steinbrueck:

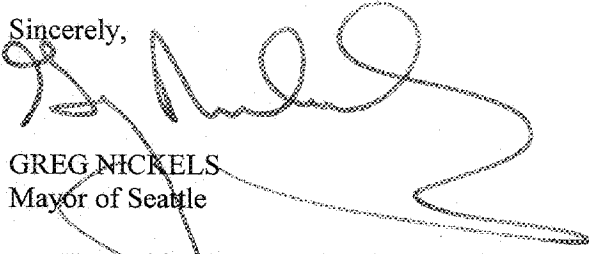
The attached ordinance establishes fees for burglar and fire alarm licenses. These fees are necessary to defray the costs of response to false or unintentional alarms by both the Seattle Police Department (SPD) and Seattle Fire Department (SFD). In 2002, over 98% of the dispatched alarm calls for police service were deemed false. In 2001, over 75% of the dispatched alarm calls for fire service were deemed, false, unintentional or a system malfunction. Historically the costs of this response has been paid by the City's general fund. Response to these false alarms continue to place a significant burden on SPD and SFD resources that might otherwise be used to address real public safety issues.

The proposed legislation seeks to levy a license fee for both burglary alarms and fire alarms to offset these costs and discourage false or unintentional alarms. The legislation will also levy a false burglar alarm fee that will replace the false burglary alarm citation previously handled by the Municipal Court. The new fees will be administered by the Department of Executive Administration (DEA) under their regulatory and revenue licensing responsibilities. Under the new ordinance, the annual license fees and false alarm fees will be the responsibility of, and billed to, the alarm monitoring companies rather than to individual alarm system subscribers.

The main intent of the legislation is to hold alarm monitoring companies more accountable for false alarms and reduce the number of unnecessary police and fire responses. The legislation amends the Seattle Municipal Code by repealing sections dealing with fire alarms that are out of date and superseded, and amends certain sections to implement the new false burglary alarm procedures.

Thank you for your consideration of this legislation. Should you have questions, please contact Ken Nakatsu at 684-0505, or Mel McDonald at 233-0071.

Sincerely,



GREG NICKELS
Mayor of Seattle

cc: Honorable Members of the Seattle City Council

600 Fourth Avenue, 7th Floor, Seattle, WA 98104-8154

Tel: (206) 684-4000, TDD: (206) 684-8811 Fax: (206) 684-5360, E:mail: mayors.office@ci.seattle.wa.us

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FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	DOF Analyst/Phone:
Executive Administration	Mel McDonald / 3-0071	Karl Stickel / 4-8085

Legislation Title:

AN ORDINANCE relating to alarm systems; establishing licensing and fee provisions for burglar and fire alarm system monitoring companies; establishing penalties for false burglar alarms and appeal procedures relative thereto; amending provisions for alarm verification, frequent false alarms, and civil penalties; adding a new chapter to Seattle Municipal Code Title 6, repealing Sections 10.08.080, 10.08.090, 10.08.100, 10.08.110, 10.08.120, 10.08.173, and amending Sections 10.08.140, 10.08.165, 10.08.178, and 10.08.180, respectively, of the Seattle Municipal Code.

Summary of the Legislation:

This proposed ordinance creates burglar and fire alarm fees to raise revenue and help defray the costs of responding by both the Seattle Police Department (SPD) and Seattle Fire Department (SFD) to false or unintentional alarms. The legislation also amends SMC 10.08 by repealing sections dealing with fire alarms that are out of date and superceded. The legislation amends certain sections to reflect the new procedures concerning SPD false burglar alarms.

Background: *(Include brief description of the purpose and context of legislation and include record of previous legislation and funding history, if applicable):*

The proposed alarm fees will help to fund the activities of the Police and Fire departments as they pertain to false alarms and alarm responses. The false and unintentional alarms for both police and fire create expenses that have been historically borne by the public through the general subfund. The number of alarm systems in the City continues to grow and an increasing number of alarm systems results in increased expenses to respond to such alarms.

To offset these increasing costs and to discourage false or unintentional alarms, the proposed ordinance seeks to levy a license fee for both burglar alarms and fire alarms. The legislation will also levy a false alarm fee on behalf of the SPD that will replace the false alarm citation previously handled by the Municipal Court. The new fees will be administered by the Department of Executive Administration (DEA) under their regulatory and revenue licensing responsibilities. Under the new ordinance, the annual license fees and false alarm fees will be the responsibility of, and billed to, the alarm monitoring companies rather than to individual alarm system subscribers.



SFD will also institute an alarm license fee under this ordinance. For fire alarms, there are two main classifications—alarms required by the Seattle Fire Code and Seattle Building Code, and alarms that are monitored because one or two family residences request to be monitored (non required systems under the fire and building codes).

- *Please check one of the following:*

 This legislation does not have any financial implications. *(Stop here and delete the remainder of this document prior to saving and printing.)*

 X **This legislation has financial implications.** *(Please complete all relevant sections that follow.)*

Increase in Expenses. Due to the administration of the fee, it's recommended that an additional half time license and enforcement position be approved in DEA to administer the billing of the alarm monitoring companies and also conduct audits to insure the proper amount is being reported and paid. Total cost is \$39,000 in 2004.

In support of SPD's increased role, it's recommended that an Administrative Specialist II be added to SPD's budget, at an annual cost of \$60,000, to assist in the tracking of false alarms, maintaining SPD related databases, and coordinating the information with DEA. The position will also assist the False Alarms Administrator with false alarm correspondence and assist in the preparation of the alarm education class.

There will be no increase in the SFD budget.

Decrease in Expenses. Currently, the Seattle Municipal Court (SMC) schedules and manages the hearings for false alarm violations. As such, the SMC would realize a small savings in the Magistrate's time spent on these hearings, as well as other administrative areas. Further, with the new legislation, false alarm collections will no longer exist within SMC, which could result in future savings yet to be determined. At this time, the preliminary savings are estimated to be nominal.

Increase in Revenues. The City estimates that there will be an increase in revenues with the implementation of the legislation. The burglar alarm license fee at \$40 should raise approximately \$1,163,000. This estimate is based on national alarm industry estimates for comparable cities, modified by the experience of Tacoma, which has recently adopted a regulatory system similar to the one proposed here. The number of burglar alarms within the City could be higher, but there is presently no way of determining an accurate count. Upon obtaining the data from the alarm monitoring companies within the first year, this number will be adjusted accordingly.

Fire alarm monitored license fee revenue is estimated at \$403,000 with the required alarm license fee at \$320 per year and the non-required alarm license fee at \$80 per year.



Appropriations: (Please only reflect the dollar amount actually appropriated by this legislation.)

Fund Name and Number	Department	Budget Control Level*	2003 Appropriation	2004 Anticipated Appropriation
General Subfund (00100)	DEA	Revenue & Consumer Affairs	\$0	\$39,000
General Subfund (00100)	SPD	D/C Administration	\$0	\$60,000
TOTAL			\$0	\$99,000

* This is line of business for operating budgets, and program or project for capital improvements

Notes: These appropriations will be made within the 2004 Proposed Budget.

Anticipated Revenue/Reimbursement Resulting From This Legislation:

Fund Name and Number	Department	Revenue Source	2003 Revenue	2004 Revenue
General Subfund (00100)	DEA	Alarm License Fees	\$0	\$1,566,000
TOTAL			\$0	\$1,566,000

Notes: Approximately \$340,000 was assumed for 2004 false alarm fee collections in the SMC, and that revenue estimate is being transferred to DEA with the workload shift.

Total Regular Positions Created Or Abrogated Through This Legislation, Including FTE Impact:

Position Title*	Part-Time/ Full Time	2003 Positions	2003 FTE	2004 Positions**	2004 FTE**
Licenses and Standards Inspector	Part-Time (DEA)			0.5 FTE	0.5 FTE
Admin Spec II	Full time (SPD)			1 FTE	1 FTE
TOTAL		None	None	1.5 FTE	1.5 FTE

- **Fund Name and Number:** General Fund 00100
- **Department:** DEA and SPD, respectively

* List each position separately

** 2004 positions and FTE are total 2004 position changes resulting from this legislation, not incremental changes from 2003.



- **Do positions sunset in the future?** (If yes, identify sunset date):

No

Spending/Cash Flow: (Please complete this section only in those cases where part or all of the funds will be spent in a different year than when they were appropriated (e.g., as in the case of certain grants and capital projects.)

Fund Name and Number	Department	Budget Control Level*	2003 Expenditures	2004 Anticipated Expenditures
N/A				
TOTAL				

* This is line of business for operating budgets, and program or project for capital improvements

Notes:

- **What is the financial cost of not implementing the legislation?** (Estimate the costs to the City of not implementing the legislation, including estimated costs to maintain or expand an existing facility or the cost avoidance due to replacement of an existing facility, potential conflicts with regulatory requirements, or other potential costs if the legislation is not implemented.)

None.

- **What are the possible alternatives to the legislation that could achieve the same or similar objectives?** (Include any potential alternatives to the proposed legislation, such as reducing fee-supported activities, identifying outside funding sources for fee-supported activities, etc.)

None.

- **Is the legislation subject to public hearing requirements:** (If yes, what public hearings have been held to date, and/or what plans are in place to hold a public hearing(s) in the future.)

No.

- **Other Issues** (including long-term implications of the legislation):

With the implementation of the new legislation, there may be opposition from the alarm monitoring companies, and related market segments, with respect to the new processes involved in paying the license fee and tracking false alarms through their customer base.



ORDINANCE _____

1
2
3 AN ORDINANCE relating to alarm systems; establishing licensing and fee provisions for burglar and
4 fire alarm system monitoring companies; establishing penalties for false burglar alarms and
5 appeal procedures relative thereto; amending provisions for alarm verification, frequent false
6 alarms, and civil penalties; adding a new chapter to Seattle Municipal Code Title 6, repealing
7 Sections 10.08.080, 10.08.090, 10.08.100, 10.08.110, 10.08.120, 10.08.173, and amending
8 Sections 10.08.140, 10.08.165, 10.08.178, and 10.08.180, respectively, of the Seattle Municipal
9 Code.

7 WHEREAS, the number of monitored fire and property alarms within the city of Seattle continues to
8 grow and the costs associated with responding to these alarms has increased accordingly; and

8 WHEREAS, over ninety-eight percent of all burglar and property alarms requiring police dispatch are
9 ultimately proven to be false alarms; and

10 WHEREAS, alarm monitoring companies currently enjoy the benefit of police response to their
11 customers' alarms without any accountability for the accuracy or reliability of their alarm
12 systems; and

12 WHEREAS, the efforts of City employees in tracking and administering fees for false alarms will be
13 minimized if such fees are collected from alarm monitoring companies;

14 NOW, THEREFORE,

15 **BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:**

16 **Section 1.** Effective January 1, 2004, a new Chapter is added to Title 6, Subtitle I, of the Seattle
17 Municipal Code as follows:

18 **CHAPTER 6.10 Alarm System Monitoring Companies – Fire Alarm Monitoring Companies**

19 **Subchapter I – Alarm System Monitoring Companies**

20 **SMC 6.10.005 Definitions.**

21 A. The definitions contained in Chapters 5.30 of the Seattle Municipal Code shall be fully
22 applicable to this chapter except as expressly stated to the contrary herein.
23
24

1 B. "Alarm system monitoring company," "burglary alarm," "panic alarm", "property alarm,"
2 and "robbery alarm" have the meanings contained in SMC Chapter 10.08.

3 C. "Alarm system" or "alarm device" means any system, device, or mechanism which, when
4 activated, transmits a telephonic, wireless, electronic, video, or other form of message to an alarm
5 system monitoring company, or some other number, or emits an audible or visible signal that can be
6 heard or seen by persons outside the protected premises, or transmits a signal beyond the premises in
7 some other fashion, except any system, device, or mechanism primarily protecting a motor vehicle. An
8 alarm system or alarm device may consist of one or more components (e.g., motion detector, window
9 breach detector, or similar components) all reporting to a central unit/system panel which, in turn, is
10 connected to or reports to an alarm system monitoring company via telephonic, wireless, electronic,
11 video, or other form of message.

12 **SMC 6.10.010 Alarm System Monitoring Companies - License required - Fee.**

13 A. It is unlawful for any person to engage in business in the City of Seattle as an alarm system
14 monitoring company without first having obtained an annual license to do so. An annual license is
15 required regardless of whether alarms are monitored from a location inside or outside Seattle. The fee
16 for such annual license is based upon two components: (1) The following aggregate amount:

17

18	Zero to 100 Seattle monitored alarms	\$100.00 per annum;
19	101 to 200 Seattle monitored alarms	\$200.00 per annum;
20	201 to 500 Seattle monitored alarms	\$400.00 per annum;
21	Over 500 Seattle monitored alarms	\$500.00 per annum;

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1 and (2) Forty Dollars (\$40) per year for each property alarm, burglary alarm, robbery alarm and panic
2 alarm located in Seattle and monitored by the alarm system monitoring company at any time during the
3 calendar year.

4 B. The license required pursuant to this chapter is separate from and in addition to any license
5 required by any other chapter of the Seattle Municipal Code including, but not limited to, that required
6 pursuant to Chapter 5.45, Business License Tax; Chapter 5.55, General Administrative Provisions; and
7 Chapter 6.08, pertaining to burglar alarms installers.

8
9 **SMC 6.10.015 Annual license and due date.**

10 A. The annual license renewal fee shall be payable in advance by the alarm system monitoring
11 company on a calendar year basis. Licenses expire on December 31 in the calendar year in which they
12 were issued and must be renewed by January 31 of the next year in order to avoid penalty.

13 B. Application for, and renewal of, the annual license shall be on forms specified by the Director
14 and shall be accompanied by the license fee. Each annual application for, or renewal of, a license shall
15 contain a list of all addresses at which monitored alarm systems are installed, the name of the
16 corresponding subscriber, customer number, if applicable, and the number of alarm systems at such
17 address.

18 **SMC 6.10.020 Calculation of fees.**

19 A. New alarm monitoring companies will pay the fee contained in SMC 6.10.010 A (1), which
20 shall be computed on the number of alarm systems monitored at the time of initial application.

21 B. The license fee component contained in SMC 6.10.010 A (1) shall not be adjusted quarterly
22 for the number of alarm systems monitored each quarter, however the fee shall be prorated on a
23 quarterly basis at the time of initial application.
24

1 C. The license fee component contained in SMC 6.10.010 A (2) shall be adjusted quarterly to
2 reflect additional alarm systems first monitored during that quarter. Each alarm system monitoring
3 company shall file quarterly, in the format specified by the Director, a list of all additional addresses at
4 which it monitored alarms during such quarter, the name of the corresponding subscriber, and the
5 number of alarms at such address. The quarterly report shall be accompanied by payment of the
6 additional forty dollar (\$40.00) per alarm system fee due, if any. See proration calculations in SMC
7 6.10.030 below. The quarterly report should also list alarm systems that have been discontinued or, if
8 known, transferred to another alarm monitoring company.

9 D. Each alarm system monitoring company shall file a quarterly report regardless of whether
10 any additional fees are due.

11 **SMC 6.10.030 License fee proration.**

12 A. In calculating the license fee component contained in SMC 6.10.010 A (1), only the initial
13 license fee will be prorated on a quarterly basis for applications made after the first quarter. The license
14 fee component contained in SMC 6.10.010 A (2) will be prorated in equal amounts on a quarterly basis
15 for alarm systems that begin to be monitored after the first quarter. A credit will be given for the
16 prorated portion of the license fee contained in SMC 6.10.010 A (2) paid by another alarm monitoring
17 company for the present year on an alarm system that is transferred from one company to another alarm
18 monitoring company; provided that satisfactory proof that the license fee component contained in SMC
19 6.10.010 A (2) has been paid is supplied to the Director.

20 **SMC 6.10.040 Duty of licensee.**

21 A. It shall be the duty of all licensees granted licenses under this chapter to comply with all
22 applicable regulations in this chapter or elsewhere, including, without limitation, SMC Chapter 10.08.
23
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1 The failure of any licensee to do so shall be a violation of this chapter and grounds to suspend or revoke
2 the license.

3 B. No licensee granted a license under this chapter shall allow any person who has had their
4 alarm monitoring license revoked or suspended by the City of Seattle to be financially interested in its
5 business, or to be in its employ, within one year from the date of such revocation or suspension.

6 **SMC 6.10.050 Licenses not transferable.**

7 No license issued pursuant to this chapter shall be transferable unless in accordance with SMC
8 Chapter 6.02. A person not previously licensed that assumes responsibility for monitoring alarms for
9 which another person has paid the annual license fee shall obtain a new license for the remainder of the
10 year by paying the license fee component contained in SMC 6.10.010 A (1).

11 **SMC 6.10.060 Duty to inform subscribers of ordinance and billing policies.**

12 All persons licensed pursuant to this chapter shall supply each of their system subscribers with
13 copies of this chapter and chapter 10.08. Licensees who choose to bill their subscribers for the license
14 fee imposed by this chapter shall give to each of their subscribers a copy of the licensee's policies and
15 practices with respect to such billing.

16 **SMC 6.10.070 Suspension or revocation of license.**

17 The Director shall have the power and authority to suspend or revoke any license issued under
18 the provisions of this chapter as set forth in SMC Chapter 6.02. No suspended or revoked license may
19 be reinstated without prior payment of all fees due and outstanding, including false alarm fees. The
20 Director shall notify the Seattle Police Department of any revocation or suspension, and in the discretion
21 of the Police Department, no response may be made to any alarms monitored by the alarm system
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1 monitoring company until the license is reinstated. An alarm system monitoring company whose license
2 has been revoked or suspended shall notify each of its subscribers of the revocation or suspension. The
3 notice shall be in writing and shall be mailed to all subscribers no later than the tenth calendar day
4 following such suspension or revocation.

5 **SMC 6.10.080 Penalty and interest for failure to pay.**

6 A. If a license application, renewal, quarterly report, or payment of any fee due under this
7 chapter is not received on or before the last day of the month in which it becomes due or within an
8 extension of time granted by the Director, there shall be added to the amount, a penalty of ten percent
9 (10%) of the fees owing or Twenty Dollars (\$20), whichever is greater, if the payment is received
10 between one (1) and thirty (30) days after the date it becomes due, or a penalty of twenty percent (20%)
11 of the fees owing or Thirty Dollars (\$30), whichever is greater, if the payment is later than thirty (30)
12 days after the due date.

13 B. The licensee shall be notified by mail of the amount of any penalties so added, and the same
14 shall become due and shall be paid within ten days from the date of such notice.

15 **SMC 6.10.090 Violation -- Civil Penalties.**

16 The failure of a person that engages in business in Seattle as an alarm system monitoring
17 company to comply with any provision of this chapter shall be a civil infraction as contemplated by
18 RCW Chapter 7.80 and subject as a Class 1 civil infraction under RCW 7.80.120(2) to a maximum
19 monetary penalty and a default amount of Two Hundred Fifty Dollars (\$250.00) plus statutory
20 assessments. Each day of noncompliance shall be a separate violation, and the monetary penalties shall
21 accumulate.
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1 **SMC 6.10.100 Penalty for false alarms.**

2 The sending of an alarm by an automatic property alarm and/or automatic burglary alarm, which
3 results in the dispatch of the police to the premises on an emergency basis shall be subject to a false
4 alarm response fee of one hundred twenty-five dollars (\$125.00) whenever: (A) there is no evidence of a
5 crime or other activity that would warrant a call for police assistance or investigation at the premises;
6 and (B) no individual who was on or near the premises, or who had viewed a video communication from
7 the premises, called for the dispatch and confirmed a need for a police response. The false alarm
8 response fee shall be assessed against the alarm system monitoring company.

9 **SMC 6.10.110 Notice and hearing on penalty for false alarms.**

10 A. The Department shall mail by first class mail a written notice of the false alarm response fee
11 to the alarm monitoring company. The notice shall state the date and time of the false alarm, and that
12 the alarm monitoring company is entitled to a hearing to respond to the notice and introduce any
13 evidence to refute or mitigate the fee. All false alarm fees are due and payable within thirty (30) days of
14 the date that the Department mails the notice, unless: (1) an appeal is filed pursuant to subsection B of
15 this section, in which case the fees appealed from are due and payable within ten (10) days after the date
16 of the written ruling, or (2) a waiver is requested and an alarm user class is scheduled pursuant to
17 subsection D of this section.

18 B. An alarm system monitoring company wanting to contest a false alarm fee shall file a written
19 appeal with the Director within thirty (30) days after the date of the notice. A hearing shall be held by
20 the Director, or the Director's designee, not more than fourteen (14) days from the date the appeal is
21 filed. Within twenty (20) days after the hearing, the Department shall issue a written ruling including
22 factual findings and the Director's conclusion, with supporting reasons, affirming or reversing the
23 notice. The Decision of the Director shall be final.

1 C. The Director may, but is not required to, delegate authority to conduct hearings under this
2 section to the Seattle Police Department.

3 D. The Director may waive the first false alarm fee, on a one-time basis, if the owner of the
4 monitored alarm attends an alarm user class as defined in Section 10.08.140 of the Seattle Municipal
5 Code. The owner of the alarm must attend the class within 90 days of the date of the false alarm billing.

6
7 **Subchapter II – Fire Alarm Monitoring Companies**

8 **SMC 6.10.205 Definitions.**

9 A. “Fire alarm monitoring company” means any individual, partnership, corporation, or other
10 form of association that is listed with Underwriters’ Laboratories as a “Full Service Company” or
11 “Monitoring Company,” and engages in the business of monitoring fire alarm systems located within the
12 city of Seattle.

13 B. “Fire alarm system” means system or portion of a combination system consisting of
14 components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory
15 signal-initiating devices and to initiate the appropriate response to those signals. This definition is not
16 intended to include heat or smoke detectors that are installed in conjunction with property or burglary
17 alarms as defined in SMC 10.08.140.

18 **SMC 6.10.210 Fire Alarm Monitoring Companies - License Required – Fee.**

19 A. It is unlawful for a fire alarm monitoring company to engage in the business of monitoring
20 fire alarm systems located within the city of Seattle without first having obtained an annual license to do
21 so. The fee for such annual license is based upon two components: (1) The following aggregate
22 amount:

23 Zero to 100 Seattle monitored alarm systems \$100.00 per annum;
24

- 1 101 to 200 Seattle monitored alarm systems \$200.00 per annum;
- 2 201 to 500 Seattle monitored alarm systems \$400.00 per annum;
- 3 Over 500 Seattle monitored alarm systems \$500.00 per annum;

4
5 and (2) one of the following amounts for each fire alarm located in Seattle and monitored by the fire
6 alarm monitoring company at any time during the calendar year:

- 7 a. Alarm systems required by Seattle Fire Code or Seattle Building Code....\$320.00 per
8 alarm system, per annum;
- 9 b. Alarm systems not required by Seattle Fire Code or Seattle Building Code \$80.00 per
10 alarm system, per annum.

11 B. The license required pursuant to this subchapter is separate from and in addition to any license
12 required by any other chapter of the Seattle Municipal Code including, but not limited to, that required
13 pursuant to Chapter 5.45, Business License Tax; Chapter 5.55, General Administrative Provisions; and
14 Chapter 6.08, pertaining to burglar alarms installers.

15 C. The issuance and renewal of a license pursuant to this subchapter is conditioned upon the fire
16 alarm monitoring company's continuing conformance with all requirements of the Seattle Fire Code and
17 the Seattle Fire Department Administrative Rules for central station monitoring.

18 **SMC 6.10.215 Annual license and due date.**

19 A. The annual license renewal fee shall be payable in advance by the fire alarm monitoring
20 company on a calendar year basis. Licenses expire on December 31 in the calendar year in which they
21 were issued and must be renewed by January 31 of the next year in order to avoid penalty.

22 B. Application for, and renewal of, the annual license shall be on forms specified by the Director
23 and shall be accompanied by the license fee. Each annual application for, or renewal of, a license shall
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1 contain a list of all buildings in which the applicant monitors fire alarm systems, showing the street
2 address for each building where the applicant monitors fire alarm systems; the number of fire alarm
3 systems monitored by the applicant in each individual listed building; and the name, addresses and
4 telephone number for the owner of each monitored fire alarm system.

5 **SMC 6.10.220 Calculation of fees.**

6 A. New fire alarm monitoring companies will pay the fee contained in SMC 6.10.210 A (1),
7 which shall be computed on the number of alarm systems monitored at the time of initial application.

8 B. The license fee component contained in SMC 6.10.210 A (1) shall not be adjusted quarterly
9 for the number of fire alarm systems monitored each quarter, however the fee shall be prorated on a
10 quarterly basis at the time of initial application.

11 C. The license fee component contained in SMC 6.10.210 A (2) shall be adjusted quarterly to
12 reflect additional alarm systems first monitored during that quarter. Each fire alarm monitoring
13 company shall file quarterly, in the format specified by the Director, a list of all additional addresses at
14 which it monitored alarms during such quarter, the name of the corresponding subscriber, and the
15 number of alarms at such address. The quarterly report shall be accompanied by payment of the
16 additional per-alarm-system fee due, if any. See proration calculations in SMC 6.10.230 below. The
17 quarterly report should also list fire alarm systems that have been discontinued or, if known, transferred
18 to another fire alarm monitoring company.

19 D. Each fire alarm monitoring company shall file a quarterly report regardless of whether any
20 additional fees are due.

21 **SMC 6.10.230 License fee proration.**

22 A. In calculating the license fee component contained in SMC 6.10.210 A (1), only the initial
23 license fee will be prorated on a quarterly basis for applications made after the first quarter. The license
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1 fee component contained in SMC 6.10.210 A (2) will be prorated in equal amounts on a quarterly basis
2 for fire alarm systems that begin to be monitored after the first quarter. A credit will be given for the
3 prorated portion of the license fee contained in SMC 6.10.210 A (2) paid by another fire alarm
4 monitoring company for the present year on a fire alarm system that is transferred from one company to
5 another fire alarm monitoring company; provided that satisfactory proof that the license fee component
6 contained in SMC 6.10.210 A (2) has been paid is supplied to the Director.

7
8 **SMC 6.10.240 Duty of licensee; License not transferable; Duty to inform subscribers;**
9 **Penalty and interest for failure to pay; Violation – Civil penalties.**

10 The provisions applicable to alarm system monitoring companies contained in SMC 6.10.040,
11 6.10.050, 6.10.060, 6.10.080, and 6.10.090 shall be applicable to fire alarm monitoring companies as if
12 fully set forth herein. Reference in these sections to the Seattle Police Department shall be construed in
13 this subchapter as reference to the Seattle Fire Department. Reference in the above sections to alarm
14 system monitoring companies shall be construed in this subchapter as reference to fire alarm monitoring
15 companies. This chapter does not modify any provision of SMC 12A.60.105, and is not intended to
16 impose any penalty for activating or triggering a false fire alarm.

17 **SMC 6.10.250 Suspension or revocation of license.**

18 The Director shall have the power and authority to suspend or revoke any license issued under
19 the provisions of this chapter as set forth in SMC Chapter 6.02. No suspended or revoked license may
20 be reinstated without prior payment of all fees due and outstanding. A fire alarm monitoring company
21 whose license has been revoked or suspended shall notify each of its subscribers of the revocation or
22 suspension. The notice shall be in writing and shall be mailed to all subscribers no later than the tenth
23 calendar day following such suspension or revocation.

1 **Section 2.** Effective January 1, 2004, Sections 10.08.080, 10.08.090, 10.08.100, 10.08.110,
2 10.08.120, and 10.08.173 of the Seattle Municipal Code are hereby repealed in their entirety.

3 **Section 3.** Effective January 1, 2004, Subsection A of Section 10.08.140 of the Seattle
4 Municipal Code is amended as follows:

5 **SMC 10.08.140 Definitions.**

6 As used in this subchapter, the following terms have the meanings indicated unless the context clearly
7 requires another interpretation:

8 A. "Alarm system monitoring company" means any individual, partnership, corporation, or
9 other form of association that engages in the business of monitoring property, burglary, robbery, or
10 panic alarms(~~(, and reporting any activation of such alarm systems to the Seattle Police Department)~~).

11 ***

12 **Section 4.** Effective January 1, 2004, Section 10.08.140 of the Seattle Municipal Code is
13 amended to add three new subsections as follows:

14 "Alarm user class" means a class provided by the Alarm Unit of the Seattle Police Department
15 for the purpose of educating alarm users about false alarms.

16 "Alarm system" or "alarm device" means any system, device, or mechanism which, when
17 activated, transmits a telephonic, wireless, electronic, video, or other form of message to an alarm
18 system monitoring company, or some other number, or emits an audible or visible signal that can be
19 heard or seen by persons outside the protected premises, or transmits a signal beyond the premises in
20 some other fashion, except any system, device, or mechanism primarily protecting a motor vehicle. An
21 alarm system or alarm device may consist of one or more components (e.g., motion detector, window
22 breach detector, or similar components) all reporting to a central unit/system panel which, in turn, is

1 connected to or reports to an alarm system monitoring company via telephonic, wireless, electronic,
2 video, or other form of message.

3 "Director" means the Director of Executive Administration of the City or any officer, agent or
4 employee of the City designated to act on the Director's behalf.

5 The City's Code Reviser is authorized and directed to insert these new subsections in
6 alphabetical order, and to renumber SMC 10.08.140 accordingly.

7 **Section 5.** Effective January 1, 2004, Section 10.08.165 of the Seattle Municipal Code is
8 amended as follows:

9 **SMC 10.08.165 Alarm system monitoring companies -- Verification process.**

10 Every alarm system monitoring company engaging in business activities in Seattle shall:

11 A. Obtain a City of Seattle business license from the Department of ~~((Finance))~~Executive
12 Administration as provided in SMC Chapter 6.10;

13 B. Provide the Chief of Police such information about the nature of its property alarms, burglary
14 alarms, robbery alarms, and panic alarms; its method of monitoring; its program for preventing false
15 alarms; and its method of disconnecting audible alarms, each as the Chief may require by rule adopted
16 pursuant to the Administrative Code, Chapter 3.02;

17 C. Maintain a current list of all subscribers' names and the associated protected premises it
18 serves, which list shall be ~~((accessible))~~given to the ~~((Chief at all times))~~ Director on a quarterly basis;

19 D. Verify with those subscribers who have an automatic alarm system, each alarm signal that has
20 been accepted by the alarm system monitoring company ~~((Maintain))~~using a verification process ~~((with~~
21 ~~those subscribers who have an automatic alarm system))~~to prevent false alarms from resulting in
22 unnecessary police dispatches.~~((; and))~~

1 A verification process is an independent method of determining that a signal from an automatic
2 alarm system reflects a need for police assistance or investigation. The means of verification shall
3 include one (1) or more of the following:

4 1. An attempt by the alarm system monitoring company, or its representative, to contact the
5 alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact
6 with a person is made, to determine whether an alarm signal is valid before requesting law enforcement
7 dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this
8 ordinance, telephone verification shall require, as a minimum, that a second call be made to a different
9 number if the first attempt fails to reach an alarm user who can properly identify themselves to
10 determine whether an alarm signal is valid before requesting law enforcement dispatch;

11 2. A feature that permits the alarm system user or a person authorized by the user to send a
12 cancellation code to the alarm system monitoring company that will cancel an alarm immediately after it
13 has been sent and prevent the monitoring company calling for a police dispatch;

14 3. The installation of a video system that provides the alarm system monitoring company when
15 the signal is received with the ability to ascertain that activity is occurring which warrants police
16 assistance or investigation;

17 4. An independent confirmation that a signal reflects a need for police assistance or investigation
18 either by the alarm system user, a person at or near the premises, or an alternate response agency made
19 before dispatching police; or

20 5. An alternate system that the Chief determines has or is likely to have a high degree of
21 reliability.

1 E. When the Chief reports that there appears to have been a false alarm at a subscriber's
2 premises, work cooperatively with the subscriber and the Chief in order to determine the cause thereof
3 and prevent recurrences.

4 ~~A verification process is an independent method of determining that a signal from an automatic~~
5 ~~alarm system reflects a need for immediate police assistance or investigation. The verification process~~
6 ~~shall not take more than five (5) minutes calculated from the time that the alarm signal has been~~
7 ~~accepted by the alarm system monitoring company until a decision is made whether to call for a police~~
8 ~~dispatch. The means of verification may include one (1) or more of the following:~~

9 ~~1. The establishment of voice communication with an authorized person at or near the premises~~
10 ~~who may indicate whether or not need for immediate police assistance or investigation exists;~~

11 ~~2. A feature that permits the alarm system user or a person authorized by the user to send a~~
12 ~~special signal to the alarm system monitoring company that will cancel an alarm immediately after it has~~
13 ~~been sent and prevent the monitoring company calling for a police dispatch;~~

14 ~~3. The installation of a video system that provides the alarm system monitoring company when~~
15 ~~the signal is received with the ability to ascertain that activity is occurring which warrants immediate~~
16 ~~police assistance or investigation;~~

17 ~~4. A confirmation that a signal reflects a need for immediate police assistance or investigation~~
18 ~~either by the alarm system user, a person at or near the premises, or an alternate response agency made~~
19 ~~before dispatching police; or~~

20 ~~5. An alternate system that the Chief determines has or is likely to have a high degree of~~
21 ~~reliability.~~

22 **Section 6.** Effective January 1, 2004, Section 10.08.173 of the Seattle Municipal Code is hereby
23 repealed.

1 **Section 7.** Effective January 1, 2004, Section 10.08.178 of the Seattle Municipal Code is
2 amended as follows:

3 **SMC 10.08.178 Frequent false alarms – Process for disregarding false alarms – In-person**
4 **verification.**

5 A. In exercising his or her discretion to make ~~((an immediate))~~ a dispatch in response to an
6 automatic property or automatic burglary alarm, the Chief of Police ~~((shall))~~ may disregard a call for
7 ~~((emergency assistance))~~ dispatch when:

8 1. ~~((The premises are not a residence; and~~

9 2. ~~))~~ The call comes from or is prompted by an automatic property alarm or automatic burglary
10 alarm that has a record of sending six (6) false alarms within a period of twelve (12) months; and

11 ~~((3))~~ 2. The call is the only basis for making such a dispatch.

12 The Chief may consider such a call as an additional factor in making his or her decision to order ~~((an~~
13 ~~immediate))~~ a dispatch when an in-person ~~((call,))~~ verification from an individual at ~~((or near))~~ the
14 premises, or other independent evidence, shows a need for ~~((immediate))~~ police assistance at the
15 premises.

16 B. To discourage false alarms, the Chief may adopt a process of sending a letter ~~((or delivering a~~
17 ~~notice))~~ by regular mail informing the alarm system ~~((user))~~ monitoring company of record of the
18 ~~((consequences of a))~~ false alarm history, the need to take corrective action, and the prospect that six (6)
19 false alarms within a twelve (12) month period shall result in the automatic signals being disregarded
20 and an in-person ~~((call or))~~ verification being required or other independent information showing a need
21 for such a dispatch before ~~((an immediate))~~ a dispatch will be made to the premises.

22 C. Before acting as authorized in subsection A of this section, the Chief shall send or deliver a
23 notice to the alarm system ~~((user))~~ monitoring company that:

1 1. Six (6) false alarms have been received within a twelve (12) month period;

2 2. The remedy authorized in subsection A may be taken;

3 3. The ~~((user))~~ alarm system monitoring company may request a hearing before the Chief or his
4 designee and explain why the Chief should not take the proposed action; if no hearing is
5 requested, the Department will after ten (10) days disregard automatic signals from the premises
6 without a ~~((call or))~~ verification from an individual or other independent information showing a
7 need for such dispatch; and

8 4. A requirement of an in-person communication or verification may remain in effect for a period
9 of three hundred sixty-five (365) days.

10 D. If a hearing is requested, the Chief shall schedule the hearing within ten (10) days. Both the
11 alarm user and a representative from the alarm system monitoring company are required to attend. The
12 Chief may take into consideration such factors as the steps that the alarm system user or alarm system
13 monitoring company has taken or is taking to correct the problem; the incidence of crime in the area; the
14 facts and circumstances of the false alarms; and other relevant information presented by the user or the
15 monitoring company.

16 E. The Chief may suspend or cancel the remedy under subsection A if he or she determines that
17 the automatic alarm system has been corrected to prevent the recurrence of false alarms.

18 F. "Dispatch" ~~((or "immediate dispatch"))~~ means a discretionary decision whether to direct police
19 units to a location where there has been a report made, by whatever means, that police assistance or
20 investigation is needed. There is no duty to dispatch ~~((or immediately dispatch))~~ under any
21 circumstances whatever, whether automatic alarms are involved or not, and all dispatch decisions are
22 made subject to competing priorities and available police response resources.

1 **Section 8.** Effective January 1, 2004, Section 10.08.180 of the Seattle Municipal Code is
2 amended as follows:

3 **SMC 10.08.180 Violation – Civil penalties**

4 A. ~~((+-))~~ The failure of an alarm system monitoring company that engages in business activities
5 in Seattle to comply with any of the requirements of Section 10.08.165 shall be a civil infraction as
6 contemplated by RCW Chapter 7.80 and subject as a Class 1 civil infraction under RCW 7.80.120(2) to
7 a maximum monetary penalty and a default amount of Two Hundred Fifty Dollars (\$250.00) plus
8 statutory assessments. With respect to Subsections A, B, C, and E of Section 10.08.165, ~~((E))~~ each day
9 of noncompliance shall be a separate violation, and the monetary penalties shall accumulate. ~~With~~
10 respect to Subsection D of Section 10.08.165, each failure to verify an alarm signal that has been
11 accepted by the alarm system monitoring company and results in a false alarm, shall be a separate
12 violation.

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

18 B. The violation of or failure to comply with any other provisions of this subchapter shall be a
19 civil infraction as contemplated by RCW Chapter 7.80 and subject as a ~~((Class 3))~~ Class 1 civil infraction
20 under RCW 7.80.120(c) to a maximum penalty and a default amount of ~~((Fifty Dollars (\$50.00)))~~ Two
21 Hundred Fifty Dollars (\$250) plus statutory assessments.

22 C. There shall be a maximum penalty and default amount of ~~((Twenty five Dollars~~
23 ~~(\$25.00)))~~ Two Hundred Fifty Dollars (\$250) plus statutory assessments ~~((for any of the following:~~
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1 ~~1. As contemplated by RCW 7.80.080(1) and 7.80.070(2)(K), a failure to respond to a notice of~~
2 ~~false alarm within fifteen (15) days from the date of notice;~~

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

5 ~~3. As)as contemplated by RCW 7.80.160(3), for a failure to pay a penalty imposed pursuant to~~
6 ~~subsection A or B.~~

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

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

13 ~~1. The notice describes a violation of Section 10.08.173;~~

14 ~~2. The notice of violation is the first violation of Section 10.08.173 incurred by the alarm system~~
15 ~~user on or after September 1, 1993; and~~

16 ~~3. Within fifteen (15) days after the date of the notice, the alarm system user either follows the~~
17 ~~instructions on the back of the notice to arrange an appearance in court or mails a written~~
18 ~~application to the court requesting a waiver and clearance as a warning.))~~

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Section 9. 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 ____ day of _____, 2003, and signed by me in open session in authentication of its passage this ____ day of _____, 2003.

President _____ of the City Council

Approved by me this ____ day of _____, 2003.

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2003.

City Clerk

(Seal)

ORDINANCE _____

AN ORDINANCE relating to alarm systems; establishing licensing and fee provisions for burglar and fire alarm system monitoring companies; establishing penalties for false burglar alarms and appeal procedures relative thereto; amending provisions for alarm verification, frequent false alarms, and civil penalties; adding a new chapter to Seattle Municipal Code Title 6, repealing Sections 10.08.080, 10.08.090, 10.08.100, 10.08.110, 10.08.120, 10.08.173, and amending Sections 10.08.140, 10.08.165, 10.08.178, and 10.08.180, respectively, of the Seattle Municipal Code.

WHEREAS, the number of monitored fire and property alarms within the city of Seattle continues to grow and the costs associated with responding to these alarms has increased accordingly; and

WHEREAS, over ninety-eight percent of all burglar and property alarms requiring police dispatch are ultimately proven to be false alarms; and

WHEREAS, alarm monitoring companies currently enjoy the benefit of police response to their customers' alarms without any accountability for the accuracy or reliability of their alarm systems; and

WHEREAS, the efforts of City employees in tracking and administering fees for false alarms will be minimized if such fees are collected from alarm monitoring companies;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Effective January 1, 2004, a new Chapter is added to Title 6, Subtitle I, of the Seattle Municipal Code as follows:

CHAPTER 6.10 Alarm System Monitoring Companies – Fire Alarm Monitoring Companies

Subchapter I – Alarm System Monitoring Companies

SMC 6.10.005 Definitions.

A. The definitions contained in Chapters 5.30 of the Seattle Municipal Code shall be fully applicable to this chapter except as expressly stated to the contrary herein.



1 B. "Alarm system monitoring company," "burglary alarm," "panic alarm", "property alarm,"
2 and "robbery alarm" have the meanings contained in SMC Chapter 10.08.

3 C. "Alarm system" or "alarm device" means any system, device, or mechanism which, when
4 activated, transmits a telephonic, wireless, electronic, video, or other form of message to an alarm
5 system monitoring company, or some other number, or emits an audible or visible signal that can be
6 heard or seen by persons outside the protected premises, or transmits a signal beyond the premises in
7 some other fashion, except any system, device, or mechanism primarily protecting a motor vehicle. An
8 alarm system or alarm device may consist of one or more components (e.g., motion detector, window
9 breach detector, or similar components) all reporting to a central unit/system panel which, in turn, is
10 connected to or reports to an alarm system monitoring company via telephonic, wireless, electronic,
11 video, or other form of message.

12 **SMC 6.10.010 Alarm System Monitoring Companies - License required - Fee.**

13 A. It is unlawful for any person to engage in business in the City of Seattle as an alarm system
14 monitoring company without first having obtained an annual license to do so. An annual license is
15 required regardless of whether alarms are monitored from a location inside or outside Seattle. The fee
16 for such annual license is based upon two components: (1) The following aggregate amount:

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18 Zero to 100 Seattle monitored alarms	\$100.00 per annum;
19 101 to 200 Seattle monitored alarms	\$200.00 per annum;
20 201 to 500 Seattle monitored alarms	\$400.00 per annum;
21 Over 500 Seattle monitored alarms	\$500.00 per annum;

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1 and (2) Forty Dollars (\$40) per year for each property alarm, burglary alarm, robbery alarm and panic
2 alarm located in Seattle and monitored by the alarm system monitoring company at any time during the
3 calendar year.

4 B. The license required pursuant to this chapter is separate from and in addition to any license
5 required by any other chapter of the Seattle Municipal Code including, but not limited to, that required
6 pursuant to Chapter 5.45, Business License Tax; Chapter 5.55, General Administrative Provisions; and
7 Chapter 6.08, pertaining to burglar alarms installers.

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9 **SMC 6.10.015 Annual license and due date.**

10 A. The annual license renewal fee shall be payable in advance by the alarm system monitoring
11 company on a calendar year basis. Licenses expire on December 31 in the calendar year in which they
12 were issued and must be renewed by January 31 of the next year in order to avoid penalty.

13 B. Application for, and renewal of, the annual license shall be on forms specified by the Director
14 and shall be accompanied by the license fee. Each annual application for, or renewal of, a license shall
15 contain a list of all addresses at which monitored alarm systems are installed, the name of the
16 corresponding subscriber, customer number, if applicable, and the number of alarm systems at such
17 address.

18 **SMC 6.10.020 Calculation of fees.**

19 A. New alarm monitoring companies will pay the fee contained in SMC 6.10.010 A (1), which
20 shall be computed on the number of alarm systems monitored at the time of initial application.

21 B. The license fee component contained in SMC 6.10.010 A (1) shall not be adjusted quarterly
22 for the number of alarm systems monitored each quarter, however the fee shall be prorated on a
23 quarterly basis at the time of initial application.



1 C. The license fee component contained in SMC 6.10.010 A (2) shall be adjusted quarterly to
2 reflect additional alarm systems first monitored during that quarter. Each alarm system monitoring
3 company shall file quarterly, in the format specified by the Director, a list of all additional addresses at
4 which it monitored alarms during such quarter, the name of the corresponding subscriber, and the
5 number of alarms at such address. The quarterly report shall be accompanied by payment of the
6 additional forty dollar (\$40.00) per alarm system fee due, if any. See proration calculations in SMC
7 6.10.030 below. The quarterly report should also list alarm systems that have been discontinued or, if
8 known, transferred to another alarm monitoring company.

9 D. Each alarm system monitoring company shall file a quarterly report regardless of whether
10 any additional fees are due.

11 **SMC 6.10.030 License fee proration.**

12 A. In calculating the license fee component contained in SMC 6.10.010 A (1), only the initial
13 license fee will be prorated on a quarterly basis for applications made after the first quarter. The license
14 fee component contained in SMC 6.10.010 A (2) will be prorated in equal amounts on a quarterly basis
15 for alarm systems that begin to be monitored after the first quarter. A credit will be given for the
16 prorated portion of the license fee contained in SMC 6.10.010 A (2) paid by another alarm monitoring
17 company for the present year on an alarm system that is transferred from one company to another alarm
18 monitoring company; provided that satisfactory proof that the license fee component contained in SMC
19 6.10.010 A (2) has been paid is supplied to the Director.

20 **SMC 6.10.040 Duty of licensee.**

21 A. It shall be the duty of all licensees granted licenses under this chapter to comply with all
22 applicable regulations in this chapter or elsewhere, including, without limitation, SMC Chapter 10.08.
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1 The failure of any licensee to do so shall be a violation of this chapter and grounds to suspend or revoke
2 the license.

3 B. No licensee granted a license under this chapter shall allow any person who has had their
4 alarm monitoring license revoked or suspended by the City of Seattle to be financially interested in its
5 business, or to be in its employ, within one year from the date of such revocation or suspension.

6 **SMC 6.10.050 Licenses not transferable.**

7 No license issued pursuant to this chapter shall be transferable unless in accordance with SMC
8 Chapter 6.02. A person not previously licensed that assumes responsibility for monitoring alarms for
9 which another person has paid the annual license fee shall obtain a new license for the remainder of the
10 year by paying the license fee component contained in SMC 6.10.010 A (1).

11 **SMC 6.10.060 Duty to inform subscribers of ordinance and billing policies.**

12 All persons licensed pursuant to this chapter shall supply each of their system subscribers with
13 copies of this chapter and chapter 10.08. Licensees who choose to bill their subscribers for the license
14 fee imposed by this chapter shall give to each of their subscribers a copy of the licensee's policies and
15 practices with respect to such billing.

16 **SMC 6.10.070 Suspension or revocation of license.**

17 The Director shall have the power and authority to suspend or revoke any license issued under
18 the provisions of this chapter as set forth in SMC Chapter 6.02. No suspended or revoked license may
19 be reinstated without prior payment of all fees due and outstanding, including false alarm fees. The
20 Director shall notify the Seattle Police Department of any revocation or suspension, and in the discretion
21 of the Police Department, no response may be made to any alarms monitored by the alarm system
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1 monitoring company until the license is reinstated. An alarm system monitoring company whose license
2 has been revoked or suspended shall notify each of its subscribers of the revocation or suspension. The
3 notice shall be in writing and shall be mailed to all subscribers no later than the tenth calendar day
4 following such suspension or revocation.

5 **SMC 6.10.080 Penalty and interest for failure to pay.**

6 A. If a license application, renewal, quarterly report, or payment of any fee due under this
7 chapter is not received on or before the last day of the month in which it becomes due or within an
8 extension of time granted by the Director, there shall be added to the amount, a penalty of ten percent
9 (10%) of the fees owing or Twenty Dollars (\$20), whichever is greater, if the payment is received
10 between one (1) and thirty (30) days after the date it becomes due, or a penalty of twenty percent (20%)
11 of the fees owing or Thirty Dollars (\$30), whichever is greater, if the payment is later than thirty (30)
12 days after the due date.

13 B. The licensee shall be notified by mail of the amount of any penalties so added, and the same
14 shall become due and shall be paid within ten days from the date of such notice.

15 **SMC 6.10.090 Violation – Civil Penalties.**

16 The failure of a person that engages in business in Seattle as an alarm system monitoring
17 company to comply with any provision of this chapter shall be a civil infraction as contemplated by
18 RCW Chapter 7.80 and subject as a Class 1 civil infraction under RCW 7.80.120(2) to a maximum
19 monetary penalty and a default amount of Two Hundred Fifty Dollars (\$250.00) plus statutory
20 assessments. Each day of noncompliance shall be a separate violation, and the monetary penalties shall
21 accumulate.
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1 **SMC 6.10.100 Penalty for false alarms.**

2 The sending of an alarm by an automatic property alarm and/or automatic burglary alarm, which
3 results in the dispatch of the police to the premises on an emergency basis shall be subject to a false
4 alarm response fee of one hundred twenty-five dollars (\$125.00) whenever: (A) there is no evidence of a
5 crime or other activity that would warrant a call for police assistance or investigation at the premises;
6 and (B) no individual who was on or near the premises, or who had viewed a video communication from
7 the premises, called for the dispatch and confirmed a need for a police response. The false alarm
8 response fee shall be assessed against the alarm system monitoring company.

9 **SMC 6.10.110 Notice and hearing on penalty for false alarms.**

10 A. The Department shall mail by first class mail a written notice of the false alarm response fee
11 to the alarm monitoring company. The notice shall state the date and time of the false alarm, and that
12 the alarm monitoring company is entitled to a hearing to respond to the notice and introduce any
13 evidence to refute or mitigate the fee. All false alarm fees are due and payable within thirty (30) days of
14 the date that the Department mails the notice, unless: (1) an appeal is filed pursuant to subsection B of
15 this section, in which case the fees appealed from are due and payable within ten (10) days after the date
16 of the written ruling, or (2) a waiver is requested and an alarm user class is scheduled pursuant to
17 subsection D of this section.

18 B. An alarm system monitoring company wanting to contest a false alarm fee shall file a written
19 appeal with the Director within thirty (30) days after the date of the notice. A hearing shall be held by
20 the Director, or the Director's designee, not more than fourteen (14) days from the date the appeal is
21 filed. Within twenty (20) days after the hearing, the Department shall issue a written ruling including
22 factual findings and the Director's conclusion, with supporting reasons, affirming or reversing the
23 notice. The Decision of the Director shall be final.



1 C. The Director may, but is not required to, delegate authority to conduct hearings under this
2 section to the Seattle Police Department.

3 D. The Director may waive the first false alarm fee, on a one-time basis, if the owner of the
4 monitored alarm attends an alarm user class as defined in Section 10.08.140 of the Seattle Municipal
5 Code. The owner of the alarm must attend the class within 90 days of the date of the false alarm billing.

6
7 **Subchapter II – Fire Alarm Monitoring Companies**

8 **SMC 6.10.205 Definitions.**

9 A. "Fire alarm monitoring company" means any individual, partnership, corporation, or other
10 form of association that is listed with Underwriters' Laboratories as a "Full Service Company" or
11 "Monitoring Company," and engages in the business of monitoring fire alarm systems located within the
12 city of Seattle.

13 B. "Fire alarm system" means system or portion of a combination system consisting of
14 components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory
15 signal-initiating devices and to initiate the appropriate response to those signals.

16 **SMC 6.10.210 Fire Alarm Monitoring Companies - License Required – Fee.**

17 A. It is unlawful for a fire alarm monitoring company to engage in the business of monitoring
18 fire alarm systems located within the city of Seattle without first having obtained an annual license to do
19 so. The fee for such annual license is based upon two components: (1) The following aggregate
20 amount:

- 21 Zero to 100 Seattle monitored alarm systems \$100.00 per annum;
22 101 to 200 Seattle monitored alarm systems \$200.00 per annum;
23
24



- 1 201 to 500 Seattle monitored alarm systems \$400.00 per annum;
- 2 Over 500 Seattle monitored alarm systems \$500.00 per annum;

3 and (2) one of the following amounts for each fire alarm located in Seattle and monitored by the fire
4 alarm monitoring company at any time during the calendar year:

- 5 a. Alarm systems required by Seattle Fire Code or Seattle Building Code....\$320.00 per
6 alarm system, per annum;
- 7 b. Alarm systems not required by Seattle Fire Code or Seattle Building Code \$80.00 per
8 alarm system, per annum.

9
10 B. The license required pursuant to this subchapter is separate from and in addition to any license
11 required by any other chapter of the Seattle Municipal Code including, but not limited to, that required
12 pursuant to Chapter 5.45, Business License Tax; Chapter 5.55, General Administrative Provisions; and
13 Chapter 6.08, pertaining to burglar alarms installers.

14 C. The issuance and renewal of a license pursuant to this subchapter is conditioned upon the fire
15 alarm monitoring company's continuing conformance with all requirements of the Seattle Fire Code and
16 the Seattle Fire Department Administrative Rules for central station monitoring.

17 **SMC 6.10.215 Annual license and due date.**

18 A. The annual license renewal fee shall be payable in advance by the fire alarm monitoring
19 company on a calendar year basis. Licenses expire on December 31 in the calendar year in which they
20 were issued and must be renewed by January 31 of the next year in order to avoid penalty.

21 B. Application for, and renewal of, the annual license shall be on forms specified by the Director
22 and shall be accompanied by the license fee. Each annual application for, or renewal of, a license shall
23 contain a list of all buildings in which the applicant monitors fire alarm systems, showing the street
24



1 address for each building where the applicant monitors fire alarm systems; the number of fire alarm
2 systems monitored by the applicant in each individual listed building; and the name, addresses and
3 telephone number for the owner of each monitored fire alarm system.

4 **SMC 6.10.220 Calculation of fees.**

5 A. New fire alarm monitoring companies will pay the fee contained in SMC 6.10.210 A (1),
6 which shall be computed on the number of alarm systems monitored at the time of initial application.

7 B. The license fee component contained in SMC 6.10.210 A (1) shall not be adjusted quarterly
8 for the number of fire alarm systems monitored each quarter, however the fee shall be prorated on a
9 quarterly basis at the time of initial application.

10 C. The license fee component contained in SMC 6.10.210 A (2) shall be adjusted quarterly to
11 reflect additional alarm systems first monitored during that quarter. Each fire alarm monitoring
12 company shall file quarterly, in the format specified by the Director, a list of all additional addresses at
13 which it monitored alarms during such quarter, the name of the corresponding subscriber, and the
14 number of alarms at such address. The quarterly report shall be accompanied by payment of the
15 additional per-alarm-system fee due, if any. See proration calculations in SMC 6.10.230 below. The
16 quarterly report should also list fire alarm systems that have been discontinued or, if known, transferred
17 to another fire alarm monitoring company.

18 D. Each fire alarm monitoring company shall file a quarterly report regardless of whether any
19 additional fees are due.

20 **SMC 6.10.230 License fee proration.**

21 A. In calculating the license fee component contained in SMC 6.10.210 A (1), only the initial
22 license fee will be prorated on a quarterly basis for applications made after the first quarter. The license
23 fee component contained in SMC 6.10.210 A (2) will be prorated in equal amounts on a quarterly basis
24

1 for fire alarm systems that begin to be monitored after the first quarter. A credit will be given for the
2 prorated portion of the license fee contained in SMC 6.10.210 A (2) paid by another fire alarm
3 monitoring company for the present year on a fire alarm system that is transferred from one company to
4 another fire alarm monitoring company; provided that satisfactory proof that the license fee component
5 contained in SMC 6.10.210 A (2) has been paid is supplied to the Director.

6
7 **SMC 6.10.240 Duty of licensee; License not transferable; Duty to inform subscribers;**
8 **Penalty and interest for failure to pay; Violation – Civil penalties.**

9 The provisions applicable to alarm system monitoring companies contained in SMC 6.10.040,
10 6.10.050, 6.10.060, 6.10.080, and 6.10.090 shall be applicable to fire alarm monitoring companies as if
11 fully set forth herein. Reference in these sections to the Seattle Police Department shall be construed in
12 this subchapter as reference to the Seattle Fire Department. Reference in the above sections to alarm
13 system monitoring companies shall be construed in this subchapter as reference to fire alarm monitoring
14 companies. This chapter does not modify any provision of SMC 12A.60.105, and is not intended to
15 impose any penalty for activating or triggering a false fire alarm.

16 **SMC 6.10.250 Suspension or revocation of license.**

17 The Director shall have the power and authority to suspend or revoke any license issued under
18 the provisions of this chapter as set forth in SMC Chapter 6.02. No suspended or revoked license may
19 be reinstated without prior payment of all fees due and outstanding. A fire alarm monitoring company
20 whose license has been revoked or suspended shall notify each of its subscribers of the revocation or
21 suspension. The notice shall be in writing and shall be mailed to all subscribers no later than the tenth
22 calendar day following such suspension or revocation.



1 **Section 2.** Effective January 1, 2004, Sections 10.08.080, 10.08.090, 10.08.100, 10.08.110,
2 10.08.120, and 10.08.173 of the Seattle Municipal Code are hereby repealed in their entirety.

3 **Section 3.** Effective January 1, 2004, Subsection A of Section 10.08.140 of the Seattle
4 Municipal Code is amended as follows:

5 **SMC 10.08.140 Definitions.**

6 As used in this subchapter, the following terms have the meanings indicated unless the context clearly
7 requires another interpretation:

8 A. "Alarm system monitoring company" means any individual, partnership, corporation, or
9 other form of association that engages in the business of monitoring property, burglary, robbery, or
10 panic alarms(~~, and reporting any activation of such alarm systems to the Seattle Police Department~~)).

11 ***

12 **Section 4.** Effective January 1, 2004, Section 10.08.140 of the Seattle Municipal Code is
13 amended to add three new subsections as follows:

14 "Alarm user class" means a class provided by the Alarm Unit of the Seattle Police Department
15 for the purpose of educating alarm users about false alarms.

16 "Alarm system" or "alarm device" means any system, device, or mechanism which, when
17 activated, transmits a telephonic, wireless, electronic, video, or other form of message to an alarm
18 system monitoring company, or some other number, or emits an audible or visible signal that can be
19 heard or seen by persons outside the protected premises, or transmits a signal beyond the premises in
20 some other fashion, except any system, device, or mechanism primarily protecting a motor vehicle. An
21 alarm system or alarm device may consist of one or more components (e.g., motion detector, window
22 breach detector, or similar components) all reporting to a central unit/system panel which, in turn, is



1 connected to or reports to an alarm system monitoring company via telephonic, wireless, electronic,
2 video, or other form of message.

3 "Director" means the Director of Executive Administration of the City or any officer, agent or
4 employee of the City designated to act on the Director's behalf.

5 The City's Code Reviser is authorized and directed to insert these new subsections in
6 alphabetical order, and to renumber SMC 10.08.140 accordingly.

7 **Section 5.** Effective January 1, 2004, Section 10.08.165 of the Seattle Municipal Code is
8 amended as follows:

9 **SMC 10.08.165 Alarm system monitoring companies -- Verification process.**

10 Every alarm system monitoring company engaging in business activities in Seattle shall:

11 A. Obtain a City of Seattle business license from the Department of ~~((Finance))~~ Executive
12 Administration as provided in SMC Chapter 6.10;

13 B. Provide the Chief of Police such information about the nature of its property alarms, burglary
14 alarms, robbery alarms, and panic alarms; its method of monitoring; its program for preventing false
15 alarms; and its method of disconnecting audible alarms, each as the Chief may require by rule adopted
16 pursuant to the Administrative Code, Chapter 3.02;

17 C. Maintain a current list of all subscribers' names and the associated protected premises it
18 serves, which list shall be ~~((accessible))~~ given to the ~~((Chief at all times))~~ Director on a quarterly basis;

19 D. Verify with those subscribers who have an automatic alarm system, each alarm signal that has
20 been accepted by the alarm system monitoring company ~~((Maintain))~~ using a verification process ~~((with
21 those subscribers who have an automatic alarm system--)) to prevent false alarms from resulting in
22 unnecessary police dispatches. ~~((and))~~~~



1 A verification process is an independent method of determining that a signal from an automatic
2 alarm system reflects a need for police assistance or investigation. The means of verification may
3 include one (1) or more of the following:

4 1. The establishment of voice communication with an authorized person at or near the premises
5 who may indicate whether or not need for police assistance or investigation exists;

6 2. A feature that permits the alarm system user or a person authorized by the user to send a
7 cancellation code to the alarm system monitoring company that will cancel an alarm immediately after it
8 has been sent and prevent the monitoring company calling for a police dispatch;

9 3. The installation of a video system that provides the alarm system monitoring company when
10 the signal is received with the ability to ascertain that activity is occurring which warrants police
11 assistance or investigation;

12 4. An independent confirmation that a signal reflects a need for police assistance or investigation
13 either by the alarm system user, a person at or near the premises, or an alternate response agency made
14 before dispatching police; or

15 5. An alternate system that the Chief determines has or is likely to have a high degree of
16 reliability.

17 E. When the Chief reports that there appears to have been a false alarm at a subscriber's
18 premises, work cooperatively with the subscriber and the Chief in order to determine the cause thereof
19 and prevent recurrences.

20 ~~A verification process is an independent method of determining that a signal from an automatic~~
21 ~~alarm system reflects a need for immediate police assistance or investigation. The verification process~~
22 ~~shall not take more than five (5) minutes calculated from the time that the alarm signal has been~~



1 accepted by the alarm system monitoring company until a decision is made whether to call for a police
2 dispatch. The means of verification may include one (1) or more of the following:

3 1. The establishment of voice communication with an authorized person at or near the premises
4 who may indicate whether or not need for immediate police assistance or investigation exists;

5 2. A feature that permits the alarm system user or a person authorized by the user to send a
6 special signal to the alarm system monitoring company that will cancel an alarm immediately after it has
7 been sent and prevent the monitoring company calling for a police dispatch;

8 3. The installation of a video system that provides the alarm system monitoring company when
9 the signal is received with the ability to ascertain that activity is occurring which warrants immediate
10 police assistance or investigation;

11 4. A confirmation that a signal reflects a need for immediate police assistance or investigation
12 either by the alarm system user, a person at or near the premises, or an alternate response agency made
13 before dispatching police; or

14 5. An alternate system that the Chief determines has or is likely to have a high degree of
15 reliability.

16 Section 6. Effective January 1, 2004, Section 10.08.173 of the Seattle Municipal Code is hereby
17 repealed.

18 Section 7. Effective January 1, 2004, Section 10.08.178 of the Seattle Municipal Code is
19 amended as follows:

20 **SMC 10.08.178 Frequent false alarms – Process for disregarding false alarms – In-person**
21 **verification.**



1 A. In exercising his or her discretion to make ~~((an immediate))~~ a dispatch in response to an
2 automatic property or automatic burglary alarm, the Chief of Police ~~((shall))~~ may disregard a call for
3 ~~((emergency assistance))~~ dispatch when:

- 4 1. ~~((The premises are not a residence; and~~
5 ~~2.))~~ The call comes from or is prompted by an automatic property alarm or automatic burglary
6 alarm that has a record of sending six (6) false alarms within a period of twelve (12) months; and
7 ~~((3))~~ 2. The call is the only basis for making such a dispatch.

8 The Chief may consider such a call as an additional factor in making his or her decision to order ~~((an~~
9 ~~immediate))~~ a dispatch when an in-person ~~((call,))~~ verification from an individual at ~~((or near))~~ the
10 premises, or other independent evidence, shows a need for ~~((immediate))~~ police assistance at the
11 premises.

12 B. To discourage false alarms, the Chief may adopt a process of sending a letter ~~((or delivering a~~
13 ~~notice))~~ by regular mail informing the alarm system ~~((user))~~ monitoring company of record of the
14 ~~((consequences of a))~~ false alarm history, the need to take corrective action, and the prospect that six (6)
15 false alarms within a twelve (12) month period shall result in the automatic signals being disregarded
16 and an in-person ~~((call or))~~ verification being required or other independent information showing a need
17 for such a dispatch before ~~((an immediate))~~ a dispatch will be made to the premises.

18 C. Before acting as authorized in subsection A of this section, the Chief shall send or deliver a
19 notice to the alarm system ~~((user))~~ monitoring company that:

- 20 1. Six (6) false alarms have been received within a twelve (12) month period;
21 2. The remedy authorized in subsection A may be taken;
22 3. The ~~((user))~~ alarm system monitoring company may request a hearing before the Chief or his
23 designee and explain why the Chief should not take the proposed action; if no hearing is
24



1 requested, the Department will after ten (10) days disregard automatic signals from the premises
2 without a ~~((call or))~~ verification from an individual or other independent information showing a
3 need for such dispatch; and

4 4. A requirement of an in-person communication or verification may remain in effect for a period
5 of three hundred sixty-five (365) days.

6 D. If a hearing is requested, the Chief shall schedule the hearing within ten (10) days. Both the
7 alarm user and a representative from the alarm system monitoring company are required to attend. The
8 Chief may take into consideration such factors as the steps that the alarm system user or alarm system
9 monitoring company has taken or is taking to correct the problem; the incidence of crime in the area; the
10 facts and circumstances of the false alarms; and other relevant information presented by the user or the
11 monitoring company.

12 E. The Chief may suspend or cancel the remedy under subsection A if he or she determines that
13 the automatic alarm system has been corrected to prevent the recurrence of false alarms.

14 F. "Dispatch" ~~((or "immediate dispatch"))~~ means a discretionary decision whether to direct police
15 units to a location where there has been a report made, by whatever means, that police assistance or
16 investigation is needed. There is no duty to dispatch ~~((or immediately dispatch))~~ under any
17 circumstances whatever, whether automatic alarms are involved or not, and all dispatch decisions are
18 made subject to competing priorities and available police response resources.

19 **Section 8.** Effective January 1, 2004, Section 10.08.180 of the Seattle Municipal Code is
20 amended as follows:

21 **SMC 10.08.180 Violation – Civil penalties**

22 A. ~~((1-))~~ The failure of an alarm system monitoring company that engages in business activities
23 in Seattle to comply with any of the requirements of Section 10.08.165 shall be a civil infraction as
24



1 contemplated by RCW Chapter 7.80 and subject as a Class 1 civil infraction under RCW 7.80.120(2) to
2 a maximum monetary penalty and a default amount of Two Hundred Fifty Dollars (\$250.00) plus
3 statutory assessments. With respect to Subsections A, B, C, and E of Section 10.08.165, ((E)) each day
4 of noncompliance shall be a separate violation, and the monetary penalties shall accumulate. With
5 respect to Subsection D of Section 10.08.165, each failure to verify an alarm signal that has been
6 accepted by the alarm system monitoring company and results in a false alarm, shall be a separate
7 violation.

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

13 B. The violation of or failure to comply with any other provisions of this subchapter shall be a
14 civil infraction as contemplated by RCW Chapter 7.80 and subject as a ~~((Class 3))~~ Class 1 civil infraction
15 under RCW 7.80.120(c) to a maximum penalty and a default amount of ~~((Fifty Dollars (\$50.00)))~~ Two
16 Hundred Fifty Dollars (\$250) plus statutory assessments.

17 C. There shall be a maximum penalty and default amount of ~~((Twenty five Dollars~~
18 ~~(\$25.00)))~~ Two Hundred Fifty Dollars (\$250) plus statutory assessments ~~((for any of the following:~~

- 19 1. ~~As contemplated by RCW 7.80.080(1) and 7.80.070(2)(K), a failure to respond to a notice of~~
20 ~~false alarm within fifteen (15) days from the date of notice;~~
- 21 2. ~~As contemplated by RCW 7.80.080(2) and 7.80.070(2)(K), a failure to appear at a requested~~
22 ~~hearing; and~~

1 ~~3. As)as~~ contemplated by RCW 7.80.160(3), for a failure to pay a penalty imposed pursuant to
2 subsection A or B.

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

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

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

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Section 9. 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 ____ day of _____, 2003, and signed by me in open session in authentication of its passage this ____ day of _____, 2003.

President _____ of the City Council

Approved by me this ____ day of _____, 2003.

Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2003.

City Clerk

(Seal)



STATE OF WASHINGTON – KING COUNTY

--SS.

166337
City of Seattle, Clerk's Office

No. ORDINANCE IN FULL

Affidavit of Publication

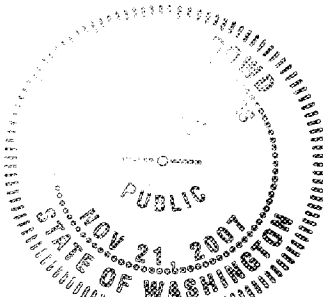
The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published 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:121332 ORD IN FULL

was published on


12/17/2003



Affidavit of Publication


Subscribed and sworn to before me on

12/17/2003


Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

City of Seattle

ORDINANCE 121332

AN ORDINANCE relating to alarm fees, establishing licensing and fee provisions for burglar, fire and panic alarm monitoring companies, establishing penalties for violations, amending provisions for Municipal Code Title 25C, adding a new chapter to the Municipal Code, and providing for the City of Seattle.

A. It is unlawful for any person to engage in business in the City of Seattle as an alarm system monitoring company without first having obtained an annual license to do so. An annual license is required regardless of whether alarms are monitored from a location inside or outside Seattle. The fee for such annual license is based upon two components: (1) The following aggregate amount:

- Zero to 100 Seattle monitored alarms --- \$100.00 per annum;
101 to 200 Seattle monitored alarms --- \$200.00 per annum;
201 to 500 Seattle monitored alarms --- \$400.00 per annum;
Over 500 Seattle monitored alarms --- \$500.00 per annum.

and (2) Forty Dollars (\$40) per year for each property alarm, burglary alarm, robbery alarm and panic alarm located in Seattle and monitored by the alarm system monitoring company at any time during the calendar year.

B. The license required pursuant to this chapter is separate from and in addition to any license required by any other chapter of the Seattle Municipal Code including, but not limited to, that required pursuant to Chapter 5.45, Business License Tax; Chapter 5.55, General Administrative Provisions; and Chapter 6.08, pertaining to burglar alarms.

SMC 6.10.015 Annual license and due date.

A. The annual license renewal fee shall be payable in advance by the alarm system monitoring company on a calendar year basis, except in 2004, where the annual license fee shall be due by April 1. Licenses expire on December 31 in the calendar year in which they were issued and must be renewed by January 31 of the next year in order to avoid penalty.

SMC 6.10.016 Alarm system monitoring companies.

A. "Alarm system monitoring company" means any individual, partnership, corporation, or other form of association that is licensed by Underwriters Laboratories as a "Full Service Company" or "Monitoring Company" and engages in the business of monitoring fire alarm systems located within the city of Seattle.

SMC 6.10.017 Notice and hearing on false alarm.

A. The Department shall mail by first class mail a written notice of the false alarm response fee to the alarm monitoring company. The notice shall state the date and time of the false alarm, and that the alarm monitoring company is entitled to a hearing to respond to the notice and introduce any evidence to refute or mitigate the fee. All false alarm fees are due and payable within (30) days of the date that the Department

mails the notice, unless: (1) an appeal is filed pursuant to subsection B of this section, in which case the fees appealed from are due and payable within ten (10) days after the date of the written ruling, or (2) a waiver is requested and an alarm user class is scheduled pursuant to subsection D of this section.

B. An alarm system monitoring company wanting to contest a false alarm fee shall file a written appeal with the Director within thirty (30) days after the date of the notice. A hearing shall be held by the Director, or the Director's designee, not more than fourteen (14) days from the date the appeal is filed. Within twenty (20) days after the hearing, the Department shall issue a written ruling including factual findings and the Director's conclusion, with supporting reasons, affirming or reversing the notice. The Decision of the Director shall be final.

C. The Director may, but is not required to, delegate authority to conduct hearings under this section to the Seattle Police Department.

D. The Director may waive the first false alarm fee, on a one-time basis, if the owner of the monitored alarm attends an alarm user class as defined in Section 10.08.140 of the alarm must attend the class within 90 days of the date of the false alarm billing.

Subchapter II Fire Alarm Monitoring Companies

SMC 6.10.205 Definitions.

A. "Fire alarm monitoring company" means any individual, partnership, corporation, or other form of association that is licensed by Underwriters Laboratories as a "Full Service Company" or "Monitoring Company" and engages in the business of monitoring fire alarm systems located within the city of Seattle.

B. "Fire alarm system" means a system, or portion of a combination system, that is approved by the Seattle Fire Department and that consists of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals. This definition does not include heat or smoke detectors that are not in communication with property or burglar alarm systems as defined in SMC 10.08.140.

SMC 6.10.206 Alarm system monitoring companies - Verification process.

Every alarm system monitoring company engaging in business activities in Seattle shall:

- A. Obtain a City of Seattle business license from the Department of Finance and Administration as provided in SMC Chapter 6.08.

A. "Alarm system monitoring company" means any individual, partnership, corporation, or other form of association that engages in the business of monitoring property, burglary, robbery, or panic alarms (panic alarms as defined in the Seattle Police Department).

Section 4. Effective January 1, 2004, Section 10.08.140 of the Seattle Municipal Code is amended to add three new subsections as follows:

"Alarm user class" means a class provided by the Alarm Unit of the Seattle Police Department for the purpose of educating alarm users about false alarms.

"Alarm system" or "alarm device" means any system, device, or mechanism which, when activated, transmits a telephonic, wireless, electronic, video, or other form of message to an alarm system monitoring company, or some other number, or emits an audible or visible signal that can be heard or seen by persons outside the protected premises, or transmits a signal beyond the premises in some other fashion, except any system, device, or mechanism primarily protecting a motor vehicle. An alarm system or alarm device may consist of one or more components (e.g., motion detector, window breach detector, or similar components) all reporting to a central unit, system panel which in turn is connected to or reports to an alarm system monitoring company via telephonic, wireless, electronic, video, or other form of message.

"Director" means the Director of Executive Administration of the City or any officer, agent or employee of the City designated to act on the Director's behalf.

The City's Code Reviser is authorized and directed to insert these new subsections in alphabetical order, and to renumber SMC 10.08.140 accordingly.

Section 5. Effective January 1, 2004, Section 10.08.155 of the Seattle Municipal Code is amended as follows:

SMC 10.08.155 Alarm system monitoring companies - Verification process.

Every alarm system monitoring company engaging in business activities in Seattle shall:

- A. Obtain a City of Seattle business license from the Department of Finance and Administration as provided in SMC Chapter 6.08.

B. Obtain a City of Seattle business license from the Department of Finance and Administration as provided in SMC Chapter 6.08.

C. Obtain a City of Seattle business license from the Department of Finance and Administration as provided in SMC Chapter 6.08.

D. Obtain a City of Seattle business license from the Department of Finance and Administration as provided in SMC Chapter 6.08.

E. Obtain a City of Seattle business license from the Department of Finance and Administration as provided in SMC Chapter 6.08.

F. Obtain a City of Seattle business license from the Department of Finance and Administration as provided in SMC Chapter 6.08.

G. Obtain a City of Seattle business license from the Department of Finance and Administration as provided in SMC Chapter 6.08.

H. Obtain a City of Seattle business license from the Department of Finance and Administration as provided in SMC Chapter 6.08.

I. Obtain a City of Seattle business license from the Department of Finance and Administration as provided in SMC Chapter 6.08.

City of Seattle

Approved by me this 5th day of December, 2003. GREGORY J. NICKELS, Mayor.

Approved by me this 5th day of December, 2003. DITH E. PIPPIN, Mayor.

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