

ORDINANCE NO. 269, 19 85

AN ORDINANCE relating to burglary, robbery, fine, and other emergency alarms, defining false alarms and offenses connected therewith, and prescribing fees and corrective administrative actions, and penalties.

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Chapter 15.27

False Alarms

Sections:

- 15.27.010 Purpose
- 15.27.020 Definitions
- 15.27.030 Emergency Response Card
- 15.27.040 Audible Alarms; Nuisance
- 15.27.050 Fees; Corrective Action; Disconnection
- 15.27.060 Petition; Service
- 15.27.070 Hearing; Default
- 15.27.080 Payment of Fees Required
- 15.27.090 Automatic Dialing Device; Certain Interconnections Prohibited
- 15.27.100 Automatic Reset Required
- 15.27.110 Tampering with Alarm Systems
- 15.27.120 Other False Alarms
- 15.27.130 Penalties
- 15.27.140 Severability
- 15.27.150 Effective Date

C.C.C. 15.27.010. Purpose.

It is the intent of this ordinance to reduce the number of false alarms occurring within the County of Clallam and the resulting waste of County resources, and to reduce the dangers inherent in emergency response, by providing for corrective administrative action, including fees and potential disconnection and criminal penalties.

C.C.C. 15.27.020 Definitions.

A. Automatic Dialing Device: Means a device which is interconnected and is programmed to select predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for an emergency response.

B. Sheriff: Includes the Sheriff of Clallam County and/or his designee.

C. False Alarm: False alarm means the activation of a burglary, robbery, fire, or other emergency alarm by other than a forced entry, attempted forced entry, unlawful entry, or actual robbery or attempted robbery on the premises, and at a time when no robbery, burglary, or crime involving a foreseeable risk of grievous bodily harm is being committed or attempted upon the premises. "False alarm" further includes the activation of an alarm device at a time when no fire exists on the premises or at a time when no threatened fire involving a foreseeable risk of grievous bodily harm to property damage is present on the premises. "False alarm" further includes the activation of any other emergency assistance request device at any time when there is no foreseeable risk of grievous bodily harm to any person upon the premises or property damage upon the premises from which said alarm is activated.

D. Fire Marshal: The fire marshall shall be the Fire Marshal of Clallam County and/or his designee.

E. Interconnect: Interconnect means to connect an alarm system, including an automatic dialing device, either directly or through a mechanical device for the purpose of transmitting a message upon the activation of an alarm system.

F. Owner: Owner means the person having or maintaining the alarm on premises owned and/or occupied by him.

G. Person: Person means any natural person, partnership, joint stock company, unincorporated association or society, or corporation of any character whatsoever.

H. Response: Response shall be deemed to have occurred when the Sheriff's department or any fire department, as the case may be, begins to proceed towards the premises as the result of an activation of an alarm.

I. Service: Service or its derivatives shall be construed to mean personal service or service by certified mail, return receipt requested.

C.C.C. 15.27.030. EMERGENCY RESPONSE CARD.

It is unlawful, and shall be declared a misdemeanor, to have or maintain on any premises burglary or robbery, fire, or other emergency alarm or alarm system unless there is on file with the Clallam County Sheriff's Department an emergency response card containing the name(s), address(s) and current telephone number or numbers of person(s) authorized to enter said premises and turn off any alarm. Such emergency response card may be in such form as prescribed by the Sheriff or his designee.

C.C.C. 15.27.040. AUDIBLE ALARMS; NUISANCE.

Any alarm audible on abutting property for a period in excess of fifteen (15) minutes is hereby declared to be a public nuisance and may be summarily abated at the discretion of the Sheriff or the Chief of the Fire Department.

C.C.C. 15.27.050. FEES; CORRECTIVE ACTIONS; DISCONNECTION.

For County response to any false alarms, the County of Clallam may petition for fees from the owner as follows:

A. For a response to premises at which no other false alarm has occurred within the preceding one hundred and eighty (180) day period, hereinafter referred to as a "first response", no fee shall be claimed.

Upon a second response, the Sheriff shall give notice of conditions and requirements of this Ordinance to the owner.

B. For a third response to the premises within one hundred and eighty (180) days after the first response, the County of Clallam shall assess the owner a twenty-five (\$25) dollar response fee. Within five (5) working days after the notice to do so, owners shall make a written report to the Sheriff in the prescribed form setting forth:

1. The cause of such false alarm.
2. The corrective action taken.
3. Whether and when such alarm has been inspected by authorized service personnel.
4. Such other information as the Sheriff may reasonably require to determine the cause of such false alarm, any mitigating circumstances and the corrective action necessary.

The Sheriff may direct the owner to have authorized personnel inspect the alarm at such premises and/or take other corrective action. All costs of inspection and corrective action shall be borne by the owner.

C. For the fourth response to the premises within one hundred and eighty (180) days after a second response, and for each succeeding response within one hundred and eighty (180) days of the most recent response, the County of Clallam shall assess the owner a one hundred (\$100) dollar response fee. If said fourth false alarm or any succeeding false alarm occurs as a result of failure to take necessary corrective action prescribed hereunder, the Sheriff may order the owner to disconnect such alarm until the such time as verification of such corrective action is provided to the Clallam County Sheriff's Department. Provided, however, that no disconnect shall be ordered for any premises required by law or administrative regulation to have alarm system in operation.

D. In the event the Sheriff or Fire Marshal determines that a false alarm occurred as a direct result of an interruption of electrical power, a telephone line malfunction, or a malfunction of the alarm equipment clearly beyond the control of the person having or maintaining such alarm on the premises owned or occupied by him, the County may waive any claims for fees. Such waiver shall be at the sole discretion of the Sheriff, or Fire Marshal, as the case may be.

C.C.C 15.27.060. PETITION; SERVICE.

A petition setting forth the claims for fees or an order of disconnection under the provisions of this ordinance shall be served

upon the person having or maintaining the alarm on premises owned or occupied by him, provided that, with respect to business premises, the owner, manager, or chief administrative agent regularly assigned and employed on the premises at the time of the occurrences of a false alarm shall be presumed to be the person having or maintaining said alarm on said business premises.

C.C.C. 15.27.070. HEARING; DEFAULT.

Unless a written request for hearing on the petition is served upon the county administrative coordinator, and a copy served upon the Sheriff or Fire Marshal, as the case may be, within fifteen (15) days of service of the petition, the fees claimed in the petition shall become final.

C.C.C. 15.27.080. PAYMENT OF FEES REQUIRED.

It shall be unlawful, and a misdemeanor, for any person to fail or refuse to pay any fees imposed under this ordinance. In addition to institution of any criminal proceeding, the Administrative Coordinator may authorize the Clallam County Prosecuting Attorney to collect the fees by appropriate legal action, and in connection with any proceeding to collect fees, the owner, in addition to the fee imposed by this ordinance, shall be responsible for a reasonable attorney's fee and court costs.

C.C.C. 15.27.090. AUTOMATIC DIALING DEVICE; CERTAIN INTERCONNECTIONS PROHIBITED.

A. It is unlawful for any person to program an alarm automatic dialing device to select any telephone line assigned to the County of Clallam; and it is unlawful for any person to fail to disconnect or reprogram such device within twelve (12) hours of receipt of written notice from the Sheriff of Clallam County to disconnect or reprogram the automatic dialing device.

B. Within sixty (60) days after the effective date of this section, all existing automatic dialing devices programmed to select a telephone line assigned in the County of Clallam shall be reprogrammed and/or disconnected.

C.C.C. 15.27.100. AUTOMATIC RESET REQUIRED.

Within sixty (60) days after the effective date of this section all alarms maintained on any premises in the County shall have an automatic reset device which will deactivate the alarm after fifteen (15) minutes of continuous operation. Any owner failing to install such an automatic reset device as required in this section shall be guilty of a misdemeanor.

C.C.C. 15.27.110. TAMPERING WITH ALARM SYSTEMS.

A. Tampering: It shall be unlawful and a misdemeanor for any person to tamper with or to cut, break, deface, or actuate any alarm device, wires, wires support or appurtenances thereto or to intentionally transmit an alarm knowing no emergency exists.

B. Exception: Subsection A shall not apply to County employees engaged in their official duties. Subsection A further shall not apply to any competent representative of a manufacturer of burglary alarm

equipment or alarm service company who, with the consent of the Sheriff, is modifying, adjusting, altering, or repairing, or replacing an alarm system or any of its component equipment, provided that, notice shall have first been provided to the Clallam County Sheriff's Department.

C. Subsection A shall further not apply to any competent insurance rating engineer who is testing any system in discharge of his duties, with the consent of the Sheriff.

D. Any person doing any work on an alarm system or auxiliary alarm system that may cause a signal to be transmitted to the County over any alarm system or network, shall notify the Sheriff before such work stating the time and place thereof.

C.C.C. 15.27.120. OTHER FALSE ALARMS.

Any person who shall intentionally give, make or turn in a false alarm of fire, or of the need for police, ambulance, or other emergency assistance, knowing such alarm to be false, or making the same with reckless disregard to the true conditions, and any person aiding or abetting another in the commission of such act, shall be guilty of a misdemeanor.

C.C.C. 15.27.130. PENALTIES.

Any person violating any of the provisions of this chapter, shall be guilty of a misdemeanor, and may be punished in such manner as provided for misdemeanors pursuant to state statute.

C.C.C. 15.27.140. SEVERABILITY.

If any section, subsection, word or phrase of this ordinance is declared invalid as to any person by a court of competent jurisdiction, such invalidity shall not affect the remaining portions of this chapter or the chapter's applicability to any other person.

C.C.C. 15.27.150. EFFECTIVE DATE.

This ordinance shall be in full force and effect after publication as provided by law.

ADOPTED this 23rd day of July 1985.

BOARD OF CLALLAM COUNTY COMMISSIONERS

Lawrence Gaydeski
Lawrence Gaydeski, Chairman

Absent
Evan Jones

Dorothy Duncan
Dorothy Duncan

ATTEST:

Charlene Gau
Charlene Gau, Clerk of the Board

APPROVED AS TO FORM:

Christopher Melly
CHRISTOPHER MELLY
Deputy Prosecuting Attorney

Please publish: August 1, 1985

cc: Chris Melly
Dan Englebertson
Newspaper
Minutes
File -