

ORDINANCE NO. 3148

AN ORDINANCE OF THE CITY OF MOUNT VERNON, WASHINGTON, REPEALING CHAPTER 8.36 OF THE MOUNT VERNON MUNICIPAL CODE IN ITS ENTIRETY AND REENACTING CHAPTER 8.36, TO PROVIDE FOR ROBBERY AND BURGLAR ALARMS.

WHEREAS, the Robbery and Burglary Alarms section of the Mount Vernon Municipal Code has not been updated for over 15 years, and

WHEREAS, the City of Mount Vernon has determined a need to update Chapter 8.36 in order to follow, in part, the Model Burglar Alarm Ordinance prepared jointly by the National Burglar & Fire Alarm Association (NBFAA) and the False Alarm Reduction Association (FARA).

NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF MOUNT VERNON, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. REPEALER. Chapter 8.36 of the Mount Vernon Municipal Code is hereby repealed in its entirety.

Section 2. Chapter 8.36 of the Mount Vernon Municipal Code is hereby reenacted to read as follows:

ROBBERY AND BURGLAR ALARMS

Sections:

8.36.010	Purposes of Provisions
8.36.020	Definitions.
8.36.030	Registration Requirements
8.36.040	Duties of the Alarm User
8.36.050	Duties of Alarm Installation Company and Monitoring Company
8.36.060	Duties and Authorities of Alarm Administrator
8.36.070	Enforcement and Penalties for False Alarms
8.36.080	Notification
8.36.090	Suspension of Response
8.36.100	Appeals Process
8.36.110	Reinstatement
8.36.120	Confidentiality
8.36.130	Government Immunity

8.36.140 Severability

8.36.010 **Purposes of Provisions**

(A) The purpose of this Chapter is to encourage Alarm Users and alarm companies to properly use and maintain the operational effectiveness of Alarm Systems in order to improve the reliability of Alarm Systems and reduce or eliminate false alarms.

(B) This Ordinance governs Alarm Systems intended to summon law enforcement response, and requires registration, establishes fees, provides penalties for violations, establishes a system of administration, and sets conditions for suspension of police response or revocation of registration.

8.36.020 **Definitions**

(A) **Alarm Administrator** means a Person or Persons designated by the law enforcement authority to administer, control and review false alarm reduction efforts and will be administering the provisions of this Ordinance.

(B) **Alarm Installation Company** means a Person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an Alarm System in an Alarm Site.

(C) **Alarm Dispatch Request** means a notification to a law enforcement agency that an alarm, either manual or automatic, has been activated at a particular Alarm Site.

(D) **Alarm Registration** (or Permits) means authorization granted by the Alarm Administrator to an Alarm User to operate an Alarm System.

(E) **Alarm Site** means a single fixed premises or location served by an Alarm System or Systems. Each unit, if served by a separate Alarm System in a multi-unit building or complex, shall be considered a separate Alarm Site.

(F) **Alarm System** means a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon law enforcement response, including Local Alarm Systems. Alarm System does not include an alarm installed in a vehicle or on someone's Person unless the vehicle or the personal alarm is permanently located at a site.

(G) **Alarm User** means any Person, who (which) has contracted for Monitoring, repair, installation or maintenance service from an Alarm Installation Company or Monitoring Company for an Alarm System, or who (which) owns or

operates an Alarm System which is not monitored, maintained or repaired under contract.

(H) **Arming Station** means a device that allows control of an Alarm System.

(I) **Automatic Voice Dialer** means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement, public safety or emergency services agency requesting dispatch.

(J) **Cancellation** means the process where response is terminated when a Monitoring Company (designated by the Alarm User) for the Alarm Site notifies the responding law enforcement agency that there is not an existing situation at the Alarm Site requiring law enforcement agency response after an Alarm Dispatch Request.

(K) **Conversion** means the transaction or process by which one Alarm Installation Company or Monitoring Company begins the servicing and/or Monitoring of a previously unmonitored Alarm System or an Alarm System previously serviced and/or monitored by another alarm company.

(L) **Duress Alarm** means a silent Alarm System signal generated by the entry of a designated code into an Arming Station in order to signal that the Alarm User is being forced to turn off the system and requires law enforcement response.

(M) **False Alarm** means an Alarm Dispatch Request to a law enforcement agency, when the responding law enforcement officer finds no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the Alarm Site.

(N) **Holdup Alarm** means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

(O) **Law Enforcement Authority** means the Chief of Police, director or other authorized representative of a law enforcement agency.

(P) **Local Alarm System** means any Alarm System, which is not monitored, that annunciates an alarm only at the Alarm Site.

(Q) **Monitoring** means the process by which a Monitoring Company receives signals from an Alarm System and relays an Alarm Dispatch Request to the municipality for the purpose of summoning law enforcement to the Alarm Site.

(R) **Monitoring Company** means a Person in the business of providing monitoring services.

(S) **One Plus Duress Alarm** means the manual activation of a silent alarm signal by entering at an Arming Station a code that adds one to the last digit of the normal arm/disarm code (e.g., normal code = 1234, One Plus Duress Code = 1235)

(T) **Panic Alarm** means an audible Alarm System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

(U) **Person** means an individual, corporation, partnership, association, organization or similar entity.

(V) **Responder, AKA Call Out**, means an individual capable of reaching the Alarm Site within minutes and having access to the Alarm Site, the code to the Alarm System and the authority to approve repairs to the Alarm System.

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

(X) **Takeover** means the transaction or process by which an Alarm User takes over control of an existing Alarm System, which was previously controlled by another Alarm User.

(Y) **Verify** means an attempt by the Monitoring Company, or its representative, to contact the Alarm Site by telephonic or other electronic means, whether or not actual contact with a Person is made, to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary Alarm Dispatch Request.

(Z) **Zones** mean division of devices into which an Alarm System is divided to indicate the general location from which an Alarm System signal is transmitted.

8.36.030 **Registration Required; Application; Fee; Transferability; False Statements**

(A) No Alarm User shall operate, or cause to be operated, an Alarm System at its Alarm Site without a valid Alarm Registration. A separate Alarm Registration is required for each Alarm Site.

(B) The fee for an Alarm Registration or an Alarm Registration renewal is set forth below and shall be paid by the Alarm User. No refund of a registration or registration renewal fee will be made. The initial Alarm Registration fee must be submitted to the Alarm Administrator within five (5) days after the Alarm System installation or Alarm System Takeover.

- (1) Registration Fees – \$10.00
- (2) Yearly Renewal Fees – No cost
- (3) Late Fee - \$25.00

(C) Upon receipt of a completed Alarm Registration application form and the Alarm Registration fee, the Alarm Administrator shall register the applicant using a Call Out/Registration Form) unless the applicant has:

- (1) failed to pay a fine assessed under Section 8.36.070; or
- (2) had an alarm registration for the Alarm Site suspended or revoked, and the violation causing the suspension or revocation has not been corrected.

(D) Each Alarm Registration application must include the following information:

- (1) the name, complete address (including apt/suite number), and telephone numbers of the Person who will be the registration holder and be responsible for the proper maintenance and operation of the Alarm System and payment of fees assessed under this article;
- (2) the classification of the Alarm Site as either residential (includes apartment, condo, mobile home, etc.) or commercial;
- (3) for each Alarm System located at the Alarm Site, the classification of the Alarm System (i.e. burglary, Holdup, Duress, Panic Alarms or other) and for each classification whether such alarm is audible or silent;
- (4) mailing address, if different from the address of the Alarm Site;
- (5) any dangerous or special conditions present at the Alarm Site;
- (6) names and telephone numbers of at least two individuals who are able and have agreed to: (a) receive notification of an Alarm System activation at any time; (b) respond to the Alarm Site within

minutes at any time; and (c) upon request can grant access to the Alarm Site and deactivate the Alarm System if necessary;

- (7) type of business conducted at a commercial Alarm Site;
- (8) signed certification from the Alarm User stating the following:
 - (a) the date of installation, Conversion or Takeover of the Alarm System, whichever is applicable;
 - (b) the name, address, and telephone number of the Alarm Installation Company or companies performing the Alarm System installation, conversion or Takeover and of the Alarm Installation Company responsible for providing repair service to the Alarm System;
 - (c) the name, address, and telephone number of the Monitoring Company if different from the Alarm Installation Company;
 - (d) that a set of written operating instructions for the Alarm System, including written guidelines on how to avoid False Alarms, have been left with the applicant by the Alarm Installation Company i.e.; an Installer False Alarm Prevention Program Checklist; and
 - (e) that the Alarm Installation Company has trained the applicant in proper use of the Alarm System, including instructions on how to avoid False Alarms i.e.; Customer False Alarm Prevention Checklist.
- (9) that law enforcement response may be influenced by factors including, but not limited to the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, etc.

(E) Any false statement of a material fact made by an applicant for the purpose of obtaining an Alarm Registration shall be sufficient cause for refusal to issue a registration.

(F) An Alarm Registration cannot be transferred to another Person or Alarm Site. An Alarm User shall inform the Alarm Administrator of any change that alters any of the information listed on the Alarm Registration application within five (5) business days of such change.

(G) All fees owed by an applicant must be paid before an Alarm Registration may be issued or renewed.

8.36.030(1) ALARM REGISTRATION DURATION AND RENEWAL

An Alarm Registration shall expire on December 31 of the year of issuance and must be renewed annually by submitting an updated application to the Alarm Administrator.

8.36.040 DUTIES OF THE ALARM USER

(A) An Alarm User shall:

- (1) maintain the Alarm Site and the Alarm System in a manner that will minimize or eliminate False Alarms;
- (2) make every reasonable effort to have a Responder to the Alarm System's location within minutes when requested by the law enforcement agency in order to:
 - (a) deactivate an Alarm System;
 - (b) provide access to the Alarm Site; and/or
 - (c) provide alternative security for the Alarm Site.
- (3) not activate an Alarm System for any reason other than an occurrence of an event that the Alarm System was intended to report.

(B) An Alarm User shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an Alarm Site will sound for no longer than ten (10) minutes after being activated.

(C) An Alarm User shall have a Licensed Alarm Installation Company inspect the Alarm System after three (3) False Alarms in a one (1) year period. The Alarm Administrator may waive a required inspection if it determines that a False Alarm(s) could not have been related to a defect or malfunction in the Alarm System. After four (4) False Alarms within a one (1) year period, the Alarm User must have a Licensed Alarm Installation Company modify the Alarm System to be more false alarm resistant or provide additional user training as appropriate i.e.; Installer False Alarm Prevention Program Checklist.

(D) An Alarm User shall not use Automatic Voice Dialers.

(E) An Alarm User shall maintain at each Alarm Site, a set of written operating instructions for each Alarm System.

8.36.050 DUTIES OF ALARM INSTALLATION COMPANY AND MONITORING COMPANY

(A) The Alarm Installation Company shall provide written and oral instructions to each of its Alarm Users in the proper use and operation of their Alarm Systems. Such instructions will specifically include all instructions necessary to turn the Alarm System on and off and to avoid False Alarms.

(B) Upon the effective date of this Ordinance, Alarm Installation Companies shall not program Alarm Systems so that they are capable of sending One Plus Duress Alarms. Monitoring Companies may continue to report One Plus Duress Alarms received from Alarm Systems programmed with One Plus Duress Alarms prior to enactment of this Ordinance. However, upon the effective date of this Ordinance, when a Takeover or Conversion occurs or if an Alarm User requests an Alarm System inspection or modification pursuant to Section 8.36.040(C) of this Ordinance, an Alarm Installation Company must remove the One Plus Duress Alarm capability from such Alarm Systems.

(C) Upon the effective date of this Ordinance, Alarm Installation Companies shall not install a device to activate a Holdup Alarm, which is a single action, non-recessed button.

(D) Ninety (90) days after enactment of this Ordinance, and conditioned upon reasonable availability, the Alarm Installation Companies shall, on new installations, use only alarm control panel(s) which meet SIA Control Panel Standard CP-01.

(E) An alarm company shall not use Automatic Voice Dialers.

(F) After completion of the installation of an Alarm System, an Alarm Installation Company employee shall review with the Alarm User a **Customer False Alarm Prevention Checklist or an equivalent checklist approved by the Alarm Administrator.**

(G) A Monitoring Company shall:

- (1) report alarm signals by using telephone numbers designated by the Alarm Administrator;
- (2) Verify every alarm signal by making an attempt to contact the alarm owner before calling the police the exception would be Duress or Holdup Alarm activation.

- (3) communicate Alarm Dispatch Requests to the law enforcement authority in a manner and form determined by the Alarm Administrator;
- (4) communicate Cancellations to the law enforcement authority in a manner and form determined by the Alarm Administrator;
- (5) ensure that all Alarm Users of Alarm Systems equipped with a Duress, Holdup or Panic Alarm are given adequate training as to the proper use of the Duress, Holdup or Panic Alarm;
- (6) communicate any available information (north, south, front, back, floor, etc.) about the location on all alarm signals related to the Alarm Dispatch Request;
- (7) communicate type of alarm activation (silent or audible, interior or perimeter);
- (8) provide an Alarm User registration number when requesting law enforcement dispatch;
- (9) after an Alarm Dispatch Request, promptly advise the law enforcement agency if the Monitoring Company knows that the Alarm User or the Responder is on the way to the Alarm Site;
- (10) attempt to contact the Alarm User or Responder within 24 hours via mail, fax, telephone or other electronic means when an Alarm Dispatch Request is made; and
- (11) upon the effective date of this Ordinance, Monitoring Companies must maintain for a period of at least one (1) year from the date of the Alarm Dispatch Request, records relating to Alarm Dispatch Requests. Records must include the name, address and telephone number of the Alarm User, the Alarm System Zone(s) activated, the time of Alarm Dispatch Request and evidence of an attempt to Verify. The Alarm Administrator may request copies of such records for individually named Alarm Users. If the request is made within sixty (60) days of an Alarm Dispatch Request, the Monitoring Company shall furnish requested records within three (3) business days of receiving the request. If the records are requested between sixty (60) days to one (1) year after an Alarm Dispatch Request, the Monitoring Company shall furnish the requested records within thirty (30) days of receiving the request.

(H) An Alarm Installation Company and/or Monitoring Company that purchases Alarm System accounts from another Person shall notify the Alarm

Administrator of such purchase and provide details as may be reasonably requested by the Alarm Administrator.

8.36.060 **DUTIES AND AUTHORITY OF THE ALARM ADMINISTRATOR**

(A) The Alarm Administrator shall:

- (1) designate a manner, form and telephone numbers for the communication of Alarm Dispatch Requests; and
- (2) establish a procedure to accept Cancellation of Alarm Dispatch Requests.

(B) The Alarm Administrator shall establish a procedure to record such information on Alarm Dispatch Requests necessary to permit the Alarm Administrator to maintain records, including, but not limited to, the information listed below.

- (1) identification of the registration number for the Alarm Site;
- (2) identification of the Alarm Site;
- (3) date and time Alarm Dispatch Request was received, including the name of the Monitoring Company and the Monitoring operator name or number;
- (4) date and time of law enforcement officer arrival at the Alarm Site;
- (5) Zone and Zone description, if available;
- (6) name of Alarm User's representative at Alarm Site, if any;
- (7) identification of the responsible Alarm Installation Company or Monitoring Company;
- (8) whether law enforcement officer was unable to locate the address of the Alarm Site; and
- (9) cause of alarm signal, if known.

(C) The Alarm Administrator shall establish a procedure for the notification to the Alarm User of a False Alarm. The notice shall include the following information:

- (1) the date and time of law enforcement response to the False Alarm;

- (2) the identification number of the responding law enforcement officer; and
- (3) a statement urging the Alarm User to ensure that the Alarm System is properly operated, inspected, and serviced in order to avoid False Alarms and resulting fines.

(D) The Alarm Administrator may require a conference with an Alarm User and the Alarm Installation Company and/or Monitoring Company responsible for the repair or monitoring of the Alarm System to review the circumstances of each False Alarm.

(E) The Alarm Administrator may require an Alarm User to remove a Holdup Alarm that is a single action, non-recessed button, if a false Holdup Alarm has occurred.

(F) The Alarm Administrator will make a copy of this Ordinance and/or an Ordinance summary sheet available to the Alarm User.

8.36.070 Enforcement and Fines for False Alarms

(A) An Alarm User shall be subject to fines, depending on the number of False Alarms within a 12-month period based upon the following schedule:

Calendar Year (Fixed Period): For any alarm activations that occur between January 1 to December 31 that are over the “free” count, the user is charged.

1-3 False alarms in a calendar year – no charge

4, 5 & 6 False alarms - \$50.00 each

7, & above False alarms - \$100.00 each

(Example)

If a user had a false alarm in February 2004 and two false alarms in March 2004, they would be billed for any additional false alarms that occurred through December 31, 2004 of that same year. The user would then “start over” for any false alarm activations occurring in the next calendar year, January 1, 2005 through December 31, 2005.

(B) In addition, any Person operating a non-registered Alarm System will be subject to a fine of \$100.00 for each False Alarm in addition to any other fines. The Alarm Administrator may waive this additional fine for a non-registered system if the Alarm User submits an application for Alarm Registration within ten (10) days after of notification of such violation.

(C) If Cancellation occurs prior to law enforcement arriving at the scene, this is not a False Alarm for the purpose of fines, and no fines will be assessed.

(D) The Alarm Installation Company shall be assessed a fine of \$100.00 if the officer responding to the False Alarm determines that an on-site employee of the Alarm Installation Company directly caused the False Alarm. In this situation, the False Alarm will not be counted against the Alarm User.

(E) The Monitoring Company shall be issued a fine of \$100.00 for each failure to Verify Alarm System signals as specified in Section 8.36.050(G)(2).

(F) The Alarm Installation Company shall be issued a fine of \$200.00 if the Alarm Administrator determines that an Alarm Installation Company employee knowingly made a false statement concerning the inspection of an Alarm Site or the performance of an Alarm System.

(G) The City is authorized to collect the monetary penalty by use of appropriate legal remedies. Seeking legal redress by the City shall neither stay nor terminate the accrual of additional monetary penalties so long as the violation continues. Payment of a monetary penalty pursuant this Chapter does not relieve a person of the duty to correct the violation as ordered by the Alarm Administrator of Law Enforcement Authority.

(H) Notice of the right of Appeal under this ordinance will be included with any fines.

8.36.080 NOTIFICATION

The Alarm Administrator shall notify the Alarm User in writing after each False Alarm. The notification shall include: the amount of the fine for the False Alarm.

The Alarm Administrator will notify the Alarm User and the Alarm Installation Company or Monitoring Company in writing after alarm response has been suspended, except to Duress, Holdup and Panic Alarms. This notice of suspension will also include the amount of the fine for each False Alarm and a description of the appeals procedure available to the Alarm User and the Alarm Installation Company or Monitoring Company.

8.36.090 SUSPENSION OF RESPONSE

(A) The Alarm Administrator may suspend law enforcement response to an Alarm Site by revoking the Alarm Registration if it is determined that:

- (1) the Alarm User has 10 or more False Alarms in a twelve (12) month period excluding Duress, Holdup or Panic Alarms;
- (2) there is a statement of a material fact known to be false in the application for a registration;

- (3) the Alarm User has failed to make timely payment of a fine assessed under Section 8.36.070 or fee assessed under Section 8.36.030; or
- (4) the Alarm User has failed to submit a written certification from an Alarm Installation Company, that complies with the requirements of this article, stating that the Alarm System has been inspected and repaired (if necessary) and/or additional training has been conducted by the Alarm Installation Company.

(B) A Person commits an offense if he/she operates an Alarm System during the period in which his alarm registration is revoked and is subject to enforcement and penalties set in Section 8.36.070. A Monitoring Company commits an offense if it continues Alarm Dispatch Requests to an Alarm Site after notification by the Alarm Administrator that the registration has been revoked and is subject to enforcement and penalties set forth in Section 8.36.070.

(C) Unless there is separate indication that there is a crime in progress, the Law Enforcement Authority will refuse law enforcement response to an Alarm Dispatch Request at an Alarm Site for which the Alarm Registration is revoked.

(D) If the Alarm Registration is reinstated pursuant to Section 8.36.110, the Alarm Administrator may again suspend law enforcement response to the Alarm Site by again revoking the Alarm Registration if it is determined that 3 False Alarms have occurred within 90 days after the reinstatement date.

8.36.100 APPEALS

(A) If the Alarm Administrator assesses a fine or denies the issuance, renewal or reinstatement of an Alarm Registration, the Alarm Administrator shall send written notice of the action and a statement of the right to an appeal to either the affected applicant or Alarm User and the Alarm Installation Company and/or Monitoring Company.

(B) The Alarm User, Alarm Installation Company or Monitoring Company may appeal an assessment of a fine or the revocation of an Alarm Registration to the Alarm Administrator by setting forth in writing the reasons for the appeal within fifteen (15) business days after receipt of the fine or notice of revocation.

(C) The Alarm User or the Alarm Installation Company or Monitoring Company may appeal the decision of the Alarm Administrator to the Law Enforcement Authority as follows:

- (1) The applicant, Alarm User, Alarm Installation Company, or the Monitoring Company may file a written request for a review and set forth

the reasons for the appeal within twenty (20) business days after the date of notification of the decision from the Alarm Administrator.

(2) The Law Enforcement Authority shall conduct a formal hearing within thirty (30) days of the receipt of the request and consider the evidence by any interested Person(s). The Law Enforcement Authority shall make its decision on the basis of the preponderance of evidence presented at the hearing. The Law Enforcement Authority must render a decision within fifteen (15) days after the date of the hearing. The Law Enforcement Authority shall affirm or reverse the decision of the Alarm Administrator.

(D) Filing of a request for appeal shall stay the action by the Alarm Administrator revoking an Alarm Registration or requiring payment of a fine, until the Law Enforcement Authority has completed its review. If a request for appeal is not made within the twenty (20) business day period, the action of the Alarm Administrator is final.

(E) Alarm Administrator or Law Enforcement Authority may adjust the count of False Alarms based on:

- (1) Evidence that a False Alarm was caused by an Act of God;
- (2) Evidence that a False Alarm was caused by action of the telephone company;
- (3) Evidence that a False Alarm was caused by a power outage lasting longer than four (4) hours;
- (4) Evidence that the Alarm Dispatch Request was not a False Alarm;
- (5) Evidence that the law enforcement officer response was not completed in a timely fashion; and/or
- (6) In determining the number of False Alarms, multiple alarms occurring in any twenty-four (24) hour period shall be counted as one False Alarm; to allow the Alarm User time to take corrective action unless the False Alarms are directly caused by the Alarm User.

(F) With respect to fines of an Alarm Installation Company or Monitoring Company the Alarm Administrator or Law Enforcement Authority may take into consideration whether the alarm company had engaged in a consistent pattern of violations.

8.36.110 REINSTATEMENT

(A) A Person whose Alarm Registration has been revoked may, at the discretion of the Alarm Administrator or the Law Enforcement Authority, have the Alarm Registration reinstated by the Alarm Administrator or the Law Enforcement Authority if the Person:

- (1) submits a new application and pays a \$10.00 reinstatement fee;
- (2) pays, or otherwise resolves, all outstanding citations and fines; and
- (3) submits a certification from an Alarm Installation Company, stating that the Alarm System has been inspected and repaired (if necessary) by the Alarm Installation Company;

(B) In addition, the Alarm Administrator **may** require one or more of the following as a condition to reinstatement:

- (1) proof that an employee of the Alarm Installation Company or Monitoring Company caused the False Alarm;
- (2) upgrade the alarm control panel to meet SIA Control Panel Standard CP-01;
- (3) a written statement from an independent inspector designated by the Law Enforcement Authority that the Alarm System has been inspected and is in good working order;
- (4) confirmation that all motion detectors are “dual technology” type;
- (5) confirmation that the Alarm System requires two independent zones to trigger before transmitting an alarm signal to the Monitoring Company;
- (6) confirmation that the Alarm System requires two independent detectors to trigger before transmitting an alarm signal to the Monitoring Company;
- (7) certification that the Monitoring Company will not make an Alarm Dispatch Request unless the need for law enforcement is confirmed by a listen-in device;
- (8) certification that the Monitoring Company will not request an Alarm Dispatch unless the need for law enforcement is confirmed by a camera device; or

- (9) certification that the Monitoring Company will not make an Alarm Dispatch Request unless the need for law enforcement is confirmed by a Person at the Alarm Site.

8.36.120 CONFIDENTIALITY

All information contained in and gathered through the Alarm Registration applications and applications for appeals shall be considered specific intelligence information compiled by law enforcement the nondisclosure of which is essential to effective law enforcement and shall be exempt from public disclosure pursuant to RCW 42.17.310(d).

8.36.130 GOVERNMENT IMMUNITY

Alarm Registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an Alarm Registration, the Alarm User acknowledges that law enforcement response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

8.36.140 SEVERABILITY

The provisions of this Ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any Person or circumstance is invalid, the remaining provisions and the application of those provisions to other Persons or circumstances are not affected by that decision.

Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

PASSED and APPROVED this 10th day of September, 2003.

MARK S. KNOWLES, Finance Director

SIGNED AND APPROVED this 10th day of September, 2003.

Ordinance No. _____

SKYE K. RICHENDRFER, Mayor

Approved as to form:

Scott Thomas, City Attorney

Published_____