

AN ORDINANCE OF THE CITY OF BELLINGHAM AMENDING THE BELLINGHAM MUNICIPAL CODE REGARDING FALSE ALARMS BY REPEALING AND REPLACING BELLINGHAM MUNICIPAL CODE CHAPTER 6.62.

WHEREAS, the City of Bellingham currently has a False Alarm ordinance codified in Bellingham Municipal Code Chapter 6.62; and,

WHEREAS, BMC Chapter 6.62 is inadequate to handle the severity of the problems raised by false alarms; and,

WHEREAS, the Bellingham Police Department responded to 5,163 residential and commercial alarms in 2001, 2002, and 2003; and,

WHEREAS, approximately 98% of those 5,163 alarms were false alarms; and,

WHEREAS, national statistics show that 95%-99% of all alarms are false alarms; and,

WHEREAS, each false alarm usually requires two to three police officers to adequately respond for containment, search, and safety purposes; and,

WHEREAS, each false alarm investigation takes approximately one hour of police time to respond and complete the required follow up report and alarm sheets; and,

WHEREAS, based upon the number of false alarms, the Bellingham Police Department could have assigned one officer to spend every hour of an eight hour shift responding to and processing false alarms each year; and,

WHEREAS, the Bellingham Police Department experienced over a 17% increase in calls this past year while experiencing a reduction in resources; and,

WHEREAS, other cities have reduced false alarms by using a variety of response tactics, polices and procedures; and,

WHEREAS, reducing false alarms will save vital police resources, prevent wasting tax payer funds, and allow the Bellingham Police Department to better allocate its limited resources; and,

WHEREAS, revising the Bellingham Municipal Code as enacted herein is in the best interests of the citizens of the City of Bellingham;

NOW, THEREFORE, THE CITY OF BELLINGHAM DOES ORDAIN:

Section 1. Bellingham Municipal Code Chapter 6.62 as currently written is hereby repealed in its entirety and replaced by this ordinance.

Section 2. Bellingham Municipal Code Chapter 6.62 shall now provide as follows:

6.62.010- Intent

This Chapter is necessary to further the public health, safety, and welfare by combining with police response tactics, policies, and procedures to reduce the percentage of false alarms. The City of Bellingham has experienced a false alarm rate of over ninety-eight percent over the three years before this ordinance was adopted. Each false alarm diverts multiple officers and police resources from genuine law enforcement duties for approximately one hour. This diversion of vital public resources adversely affects the public's health, safety and welfare. This Chapter is intended to help alleviate the false alarm problem. It is not intended to provide any cause of action or create any specific or implied duty for the police department but, rather, is designed to further the police department's general role in providing public safety.

6.62.020 - Definitions

The following definitions shall apply throughout this Chapter:

A. "Alarm Site" means a single premise or location served by an alarm system or systems. Each tenancy, if served by a separate alarm system in a multi-tenant building or complex, shall be considered a separate alarm site.

B. "Alarm System or Systems" means any mechanism, equipment, or device which is designated to detect an unauthorized entry into any building or onto any property, or to direct attention to a robbery, burglary, or other emergency in progress, and to signal the above occurrences either by a local or audible alarm or by a silent or remote alarm. The following devices shall not constitute alarm systems within the meaning of this Chapter:

1. Devices, which do not register alarms that, are audible, visible, or perceptible outside the protected premises;

2. Devices, which are not installed, operated, or used for the purpose of reporting an emergency to the police department;

3. Alarm devices installed on a temporary basis by the police department.

C. "Audible Alarm System" means any device that is intended to provide the police department with notice of a robbery, burglary, unauthorized entry, or other emergency condition by means of an external bell or other noise-making device, whether or not the audible alarm system is also connected to an electric or electronic device communicating with the What-Comm Communications Center.

D. "Automatic Dialing Device" means an alarm system which automatically sends over regular telephone lines, by direct connection or otherwise, a prerecorded voice message indicating the existence of an emergency situation that the alarm system is designed to detect.

E. "Central Station" means an office to which alarm systems are connected, where operators supervise the circuits on a continuous basis, and where there is subsequent relaying of such messages by a live voice to the police department.

F. "Duress Alarm" means a silent signal generated by the manual activation of a device intended to signal a crisis situation requiring police response.

G. "Emergency" means the commission or attempted commission of a robbery, burglary or other criminal act.

H. "False Alarm" means activation of an alarm system, which results in an arrival at the alarm site by the police department where an emergency does not exist. It includes an alarm signal caused by conditions of nature, which are normal for that area. "False alarm" does not include an alarm signal caused by force majeure conditions such as, by way of example, extraordinarily violent conditions of nature such as tornadoes, floods, and earthquakes.

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

J. "Intrusion Alarm" means an alarm system signaling an entry or attempted entry into the area protected by the system.

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

L. "Person" means and includes natural persons, without regard to number or gender, and any partnership, corporation, and any other type of legal entity.

M. "Police Department" means the Bellingham Police Department.

N. "Private Guard Responder" means a private guard company, an alarm company's guard, an alarm user, or a person or entity appointed by an alarm user to be responsible to confirm that an attempted or actual crime has occurred at an alarm site.

O. "Service suspension" means a period of time when the police department will not respond to reports of property related alarms.

6.62.030- Prohibited Acts and Penalties

A. The following acts are prohibited and subject to penalty as described in section 6.62.030.B. below:

1. For any alarm user, central station, alarm business, or private guard responder to falsely report an alarm as a verified incident requiring police response.

2. Cause to be transmitted any intrusion, duress, holdup, or false alarm knowing the same to be false or without basis in fact;

3. Request law enforcement officers to respond to alarm scenes when monitoring equipment indicates an alarm system malfunction signal;

4. Have or maintain on any premises an audible alarm system unless there is posted at the main entrance to such premises a prominent notice of the telephone numbers at which the person or persons authorized to enter the premises and turn off the alarm can be reached at all times;

5. Fail to turn off any audible alarm system within one hour of being notified;

6. Upon notifying the police department of an inadvertent false alarm apparently caused by an electrical or other malfunction of the alarm system, to fail to also notify the police department of the apparent malfunction; or,

7. Continue to maintain, operate, connect, or allow to be maintained, operated, or connected any automatic dialing device as prohibited in Bellingham Municipal Code 6.62.040 after being notified in writing by the police department to stop.

B. Any person, who commits an act prohibited under section 6.62.030.A. above, may be assessed a civil penalty of up to \$500 per violation or occurrence. For purposes of this section "per violation or occurrence" shall include each day of a continuing violation.

C. Any false information provided to the police department, including dispatch, by any alarm user, central station, alarm business, or private guard responder may also be investigated as a criminal offense under applicable law.

6.62.040- Automatic Dialing and Prerecorded Message Alarm Systems Are Unlawful

A. It is unlawful to maintain, operate, connect, or to allow to be maintained, operated, or connected any automatic dialing device which automatically dials the police department and then relays any prerecorded message to report any robbery, burglary or other emergency. A violation of this section 6.62.040 shall result in an assessment of a civil penalty of \$500 per occurrence and \$500 per day for each day after notification that an Automatic Dialing Device prohibited under this section 6.62.040 remains operational.

B. Nothing in this section shall preclude authorized law enforcement agencies from utilizing specialized alarm equipment for investigative or surveillance purposes, when such equipment involves the use of prerecorded messages and dialing and the use of city or communications center trunk lines; provided that such authorized law enforcement use has been authorized by the Bellingham Chief of Police.

6.62.050- Administrative Penalty Procedures

A. All penalties assessed under this Chapter shall be due and payable on the date written notice of any penalty is issued. Interest charges will begin accruing if the penalty is not paid within 30 days of the due date. If any penalty is not paid within 60 days of the due date, the City may use any lawful means to collect such penalties and interest, including referral to a collection agency. In the event the City refers the matter to a collection agency or the City or its agent files an action to recover such penalties, the City shall be entitled to recover its collection costs, including any court costs and attorneys' fees, in addition to all penalties and interest then due and owing.

B. If any person assessed penalties under this Chapter owes more than \$1,000.00 in delinquent penalties and interest or is more than 60 days delinquent, the Chief of the Police Department, or his authorized designee, is authorized to issue a service suspension order suspending police service to the location of the prohibited acts or false alarms for a time period deemed reasonable in the Chief's discretion and/or until certain conditions directed by the Chief are completed. Before this order can take effect, the Chief, or his designee, shall provide written notice

served either in person or via certified mail to the person setting forth the amount owed, the suspension time period, and the date the suspension will take effect, which must be at least twenty (20) days from the date of the written notice to allow the person to appeal the suspension length. The suspension will automatically terminate upon the payment of the penalties in a manner satisfactory to the City. The person or the owner of the property to which service is being suspended shall be able to appeal the length of the suspension to the Hearing Examiner pursuant to Bellingham Municipal Code Chapter 2.56. The suspension shall be held in abeyance during a pending appeal to the Hearing Examiner.

6.62.060 - Miscellaneous

A. Short Title. These provisions of this Chapter 6.62 may be known as the False Alarm Ordinance.

B. Headings. The headings contained in this ordinance are for convenience only and shall not be deemed to govern, limit, modify or otherwise affect the scope, meaning or intent of the provisions contained herein in any manner.

6.62.070 - Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason, such declaration shall not affect the validity of the remaining parts of this ordinance.

Section 3. Savings Clause.

The former provisions of Bellingham Municipal Code Chapter 6.62, which are being repealed and replaced with the provisions of this new Code Chapter 6.62 (Ordinance No. 2004-08-059), shall remain in full force and effect until the effective date of this new Code Chapter 6.62 (Ordinance No. 2004-08-059).

Section 4. Effective Date.

This ordinance shall take effect thirty (30) days after final passage.

PASSED by the Council this 30th day of August, 2004.


Council President

APPROVED by me this 2nd day of Sept, 2004.


Mayor

Attest: Therese Holt
Finance Director

Approved as to form:
Les C. Runday
Office of the City Attorney

Published: September 3, 2004