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RMC 9.20 - False Alarm
Fees Revised

ORDINANCE NO. 1609

ORIGINAL

AN ORDINANCE OF THE CITY OF REDMOND, WASHINGTON,
AMENDING CHAPTER 9.20 OF THE REDMOND MUNICIPAL
CODE TO PROVIDE ADMINISTRATIVE AND LEGAL REMEDIES
FOR THE COLLECTION OF FALSE ALARM FEES

WHEREAS, Chapter 9.20 of the Redmond Municipal Code authorizes the City to charge and collect a false alarm fee for police response to any false alarm from any person having or maintaining a burglary and/or robbery alarm; and

WHEREAS, the City Council wishes to provide administrative and legal remedies for the collection of these false alarm fees, now, therefore,

THE CITY COUNCIL OF THE CITY OF REDMOND, WASHINGTON,
HEREBY ORDAINS AS FOLLOWS:

Section 1. Amendments. The following sections of Chapter 9.20 of the Redmond Municipal Code are hereby amended to read as follows:

9.20.010 Purpose. It is the intent of this Chapter to reduce the number of false alarms occurring within the City and the resultant waste of City resources by providing for corrective administrative action, including the imposition of fees, potential disconnection and/or criminal penalties for violations.

9.20.050 False Alarm--Fees. A. For police response to any false alarm, the City may charge and collect from the person determined by the chief of police to possess the most direct control over the proper operation of

the burglary and/or robbery alarm, fees as follows:

- (1) No fee shall be charged for a response to a premises at which no other false alarm has occurred (hereinafter referred to as a "first response"). Upon a first response, the chief of police or his/her designee shall determine who possesses the most direct control over the proper operation of the burglary and/or robbery alarm and shall give notice of the conditions and requirements of this chapter to such person (hereinafter the "Responsible Party"). In most instances, such Responsible Party shall be the owner or occupant of the premises or business owner, manager, or chief administrative agent of the premises on which the false alarm occurred and upon which the burglary and/or robbery alarm is located.
- (2) The chief of police or his/her designee may charge a fee to be established by council resolution for a second response to a premises at which a false alarm has occurred. Said false alarm fee shall be levied against the Responsible Party as determined in accord with Section 9.20.050 A(1). In the event of a second response to a false alarm, the following procedure shall exist:
 - a. The Responsible Party shall, within five working days after notice to do so, make a written report to the chief of police on prescribed forms setting forth the cause of such false alarm, the corrective action taken, whether and when such alarm has been inspected by authorized service personnel, and such other information as the chief of police may reasonably require to determine the corrective action necessary.
 - b. After receiving this written report or after the five day period expires for submitting a written report, the chief of police shall be authorized to inspect or cause to be inspected the alarm system at such premises; prescribe necessary corrective action; issue a notice of sanction,

including the imposition of City false alarm fees, pursuant to Section 9.20.060; and shall give notice of the conditions and requirements of this Chapter to the Responsible Party as determined in accord with Section 9.20.050 A(1).

c. All costs of inspection and corrective action shall be borne by the Responsible Party as determined in accord with Section 9.20.050 A(1).

(3) The chief of police or his/her designee may charge a fee to be established by council resolution for a third or subsequent response to a premises at which a false alarm has occurred. Said false alarm fee shall be levied against the Responsible Party as determined in accord with Section 9.20.050 A(1). In the event of a third response to a false alarm, the following procedure shall exist:

a. The Responsible Party shall, within five working days after notice to do so, make a written report to the chief of police on prescribed forms setting forth the cause of such false alarm, the corrective action taken, whether and when such alarm has been inspected by authorized service personnel, and such other information as the chief of police may reasonably require to determine the corrective action necessary.

b. After receiving this written report or after the five day period expires for submitting a written report, the chief of police shall be authorized to inspect or cause to be inspected the alarm system at such premises; prescribe necessary corrective action; issue a notice of sanction, including the imposition of City false alarm fees, pursuant to Section 9.20.060; and shall give notice of the conditions and requirements of this Chapter to the Responsible Party as determined in accord with Section 9.20.050 A(1).

- c. All costs of inspection and corrective action shall be borne by the Responsible Party as determined in accord with Section 9.20.050 A(1).
- d. If a third or subsequent false alarm occurs as a result of failure to take necessary corrective action prescribed, the chief of police may order the Responsible Party as determined in accord with Section 9.20.050 A(1) to disconnect such alarm until the prescribed corrective action is taken and a certification of such corrective action is provided to the police department; provided, that no disconnection shall be ordered relative to any premises required by law to have an alarm system in operation.

B. For the purpose of determining whether a response is a first, second, third or subsequent response to a false alarm, only those responses which previously occurred in the same six-month period shall be counted. A six-month period shall be from January 1st to June 30th or July 1st to December 31st of that year.

9.20.060 Notice of Sanctions - Appeals. A. Notice of imposition of any sanction, including without limitation the imposition of a fee and/or order of disconnection, authorized under the provisions of this Chapter, shall be sent by mail or personally delivered to the Responsible Party as determined in accord with Section 9.20.050 A(1).

B. The chief of police or his/her designee shall forward such notice as provided in subsection (A) above and the notice shall specify that unless a hearing with the City Hearing Examiner is requested as set forth in Section 9.20.070 by filing a written request with the City Hearing Examiner within fifteen (15) days of the date of the notice, the sanctions will be imposed.

Section 2. New Section. A new Section 9.20.070 is hereby added to Chapter 9.20 of the Redmond Municipal Code to read as follows:

9.20.070 Appeal from Administrative Decision -- Hearing -- Finality A. Any person subject to the imposition of a fee, order of disconnection or other administrative sanction under the provisions of this Chapter shall have a right of appeal to the City Hearing Examiner upon filing a timely written request for a hearing.

B. The request for a hearing must be made in writing and filed with the City Clerk within fifteen (15) days of the date of the notice of administrative decision required in Section 9.20.060. Upon receipt of a timely written request, the City Hearing Examiner shall schedule a hearing and inform the Responsible Party as determined in accord with Section 9.20.050 A(1) of the date, time and place of the hearing. The City Hearing Examiner shall consider the record of past false alarms, any corrective action taken and any inspection reports on the cause of the false alarm. If the City Hearing Examiner determines that the false alarms are not caused by the the Responsible Party as determined in accord with Section 9.20.050 A(1), or any employees or agents thereof, and that reasonable steps have been taken to correct the problem, the fee or other sanction may be suspended in whole or in part; otherwise the fee or other sanctions shall be confirmed. The City Hearing Examiner shall keep a written report of the hearing including a statement of reasons for the hearing examiner's action.

Section 3. New Section. A new Section 9.20.080 is hereby added to Chapter 9.20 of the Redmond Municipal Code to read as follows:

9.20.080 Payment of False Alarm Fees Required. It is unlawful for any person to fail or refuse to comply with any administrative decision or sanctions imposed under this Chapter. In addition to institution of any criminal proceeding, the City may authorize the city attorney to collect the

fees by appropriate legal action against the Responsible Party as determined in accord with Section 9.20.050 A(1).

Section 4. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 5. Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of the ordinance or a summary thereof consisting of the title.

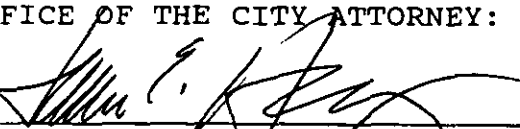
APPROVED:


MAYOR, DOREEN MARCHIONE

ATTEST/AUTHENTICATED:


CITY CLERK, DORIS SCHAIBLE

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY 

FILED WITH THE CITY CLERK: 2-14-91
PASSED BY THE CITY COUNCIL: 2-19-91
PUBLISHED: 2-24-91
EFFECTIVE DATE: 3-1-91
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