

**ORDINANCE NO. 2004-286**

**AN ORDINANCE regulating alarm monitoring companies and monitored alarm devices, imposing license fees, recovering costs related to responses to false alarms, and providing for enforcement and penalties; repealing existing Chapter 8.05 of the Newcastle Municipal Code and replacing it with a new chapter, to be known and designated as Chapter 8.05 “Alarm Devices.”**

WHEREAS the Newcastle Police Department annually responds to approximately 300 alarms of which approximately 99 percent are false, and

WHEREAS responses to false monitored alarms have diverted the annual equivalent of approximately one full time Newcastle police officer from regular police duties, and

WHEREAS responses to false monitored alarms thereby endanger the public by preventing, diverting, or delaying police officers from patrolling a neighborhood; responding to calls for service; or investigating and solving crimes, and

WHEREAS the use of tax dollars to pay for responses to false monitored alarm systems is not in the public interest because it confers a private benefit to an alarm owner while detracting from overall public safety, and

WHEREAS the use of tax dollars to cover the costs of responses to false monitored alarms unfairly requires an estimated 75 percent of taxpayers who do not own alarms to subsidize the costs of response to their net detriment, and

WHEREAS vendors of monitored alarm systems obtain a private benefit from public monies because they advertise that police will respond when their monitored alarm systems are activated, and

WHEREAS vendors of monitored alarm systems are thereby using public money to increase private profit, and

WHEREAS the significant amount of police resources expended on false monitored alarms is both expensive and dangerous to police officers, and

WHEREAS the regulation of monitored alarm systems within the City is in the best interest of public health, safety, and welfare, and

WHEREAS the City has the power to license, for revenue, the privilege of engaging in business in the City of Newcastle, and

WHEREAS it is necessary to establish licensing for monitored alarm systems and recover costs associated with responses to false alarms; now, therefore,

**THE CITY COUNCIL OF THE CITY OF NEWCASTLE, WASHINGTON, DO  
ORDAIN AS FOLLOWS:**

Section 1. Repealer. Chapter 8.05 of the Newcastle Municipal Code, entitled “Alarms” is hereby repealed in its entirety.

Section 2. New Chapter. A new Chapter 8.05 of the Newcastle Municipal Code is hereby adopted and added to Title 8, to be known and designated as Chapter 8.05, “Alarm Devices,” to read as follows:

Chapter 8.05  
ALARM DEVICES

Sections:

- 8.05.010 Purpose and findings.
- 8.05.020 Exercise of regulatory police power and revenue license power.
- 8.05.030 License required.
- 8.05.040 Definitions.
- 8.05.050 Alarm system operator (monitoring company) license.
- 8.05.060 Monitored alarm device license.
- 8.05.070 Duty of licensee.
- 8.05.080 Regulations.
- 8.05.090 Certain devices, systems, uses prohibited.
- 8.05.100 No response to excessive false alarms.
- 8.05.110 Suspension or revocation.
- 8.05.120 False alarm response fee.
- 8.05.130 Fees.
- 8.05.140 Method of payment.
- 8.05.150 Heat detectors required.
- 8.05.160 Smoke detectors required.
- 8.05.170 Fire sprinkler flow alarms required.
- 8.05.180 Appeals and contested fees.
- 8.05.190 Penalties.
- 8.05.200 Mailing of notices.
- 8.05.210 Duty to supply ordinances and information to system subscribers.
- 8.05.220 Severability.
- 8.05.230 Effective date.
- 8.05.240 Initial compliance date.
- 8.05.250 Short title.

**8.05.010 Purpose and findings.** The purpose and intent of this chapter is to: (1) protect public safety by curtailing or eliminating the extraordinary number of false alarms which prevent, hinder, or delay public safety personnel from responding to legitimate calls for public service; (2) recover the costs associated with responses to false alarms as the expenditure of such public funds constitutes an unlawful gifting of public monies; (3) stop the current subsidization of private business with public tax dollars; (4) reduce or eliminate the instances of false alarm activations in the City of Newcastle; and (5) license the alarm industry in the City of Newcastle. The recitals set forth in the preamble to this ordinance are hereby incorporated by reference as if fully stated herein.

**8.05.020 Exercise of regulatory police power and revenue license power.**

A. The provisions of this chapter shall be deemed an exercise of the City's police power to promote the health, safety, and welfare of the general public, and are not intended to protect individuals or create or otherwise establish or designate any particular class or group of persons who will or should be especially affected by the terms of this chapter. This chapter neither imposes nor creates duties on the part of the City or any of its departments, and the obligation of complying with the requirements of this chapter, and any liability for failing to do so, is placed solely upon the parties responsible for owning, operating, monitoring, or maintaining monitored alarm systems.

B. To the extent that the City may not exercise regulatory power with respect to the licensing requirements of this chapter, the provisions of this chapter pertaining to licensing shall be deemed an exercise of the power of the City of Newcastle to license for revenue the privilege of engaging in business in the City.

#### **8.05.030 License required.**

A. It shall be unlawful for any person to connect to a monitored alarm system in the City of Newcastle, or to monitor such an alarm system, directly or indirectly, via telephone, cable, wire, wireless, video, electronic, or other form of connection to or by any outside entity or source without first having obtained a license or licenses required by this chapter.

B. It shall be unlawful for any person to permit to be used or operate any monitored alarm system in the City of Newcastle that is connected by means of telephone, cable, wire, wireless, video, electronic, or other form of connection to any outside entity or source that is not licensed or is not monitored by a person licensed pursuant to this chapter.

C. The licenses required pursuant to this chapter are separate from and in addition to any licenses required by any other chapter of the Newcastle Municipal Code, including, but not limited to Chapter 5.1, Business Licenses.

D. It shall be unlawful for any person to avoid any of the licensing requirements of this chapter by subcontracting for monitoring services or making any other contractual or business arrangement that has the effect of avoiding the requirements of this chapter.

**8.05.040 Definitions.** Unless the context or subject matter otherwise requires, terms defined herein shall have the following meanings when used in this chapter:

A. "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 a private 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.

B. "Alarm system monitoring company" or "alarm system operator" means any person, individual, partnership, corporation, or other form of association that engages in the business of monitoring intrusion, property, burglary, robbery, panic alarms, or other alarm systems located in the City of Newcastle, and which reports any activation of such alarm systems

to the police, police dispatch, and/or the Law Enforcement Support Agency, directly or indirectly. This includes alarm system monitoring companies and alarm system operators that are located within or outside the city limits of Newcastle and which monitor alarms installed within the city limits of Newcastle.

C. “Alarm system user” means the person having or maintaining a property, intrusion, burglary, robbery, panic, or other alarm system. It means only a subscriber when the system is connected to an alarm system monitoring company.

D. “Burglary alarm system” has the same meaning as “property alarm” below.

E. “Chief of Police” means the Chief of the Newcastle Police Department, or his or her designee.

F. “City Clerk” means the City Clerk of Newcastle, or his or her designee.

G. “City Manager” means the City Manager of the City of Newcastle, or the manager’s designee.

H. “Department” shall mean the Finance Department of the City of Newcastle.

I. “Director” shall mean the Director of Finance, or his or her designee.

J. “False alarm” means the reporting of the activation of any monitored alarm system where police units dispatched to the location determine that there is no evidence of a crime or other activity on the premises that would warrant a call for immediate police assistance or investigation. An alarm shall be presumed to be false if the responding City personnel do not locate evidence of intrusion, commission of an unlawful act, or emergency on the premises that might have caused the alarm to sound.

K. “Fire alarm” means a signal initiated by a device such as a manual fire alarm box, automatic fire detector, waterflow switch, smoke detector, or other device which, when activated, is indicative of the presence of a fire or fire signature.

L. “Monitored alarm system” means any system, device, or mechanism which, when activated, transmits a telephonic, wireless, electronic, video, or other form of message or communication to a private monitoring company, other number, or person who can then notify police that an alarm has been activated. This includes all systems which transmit telephonic, wireless, electronic, video, or other form of message from an alarm installed within the city limits of Newcastle to any location outside of Newcastle (e.g., an alarm monitoring center located in a state, city, or other than Washington). All alarms that are monitored are included within the definition of “monitored alarm system”; e.g., any monitored burglary, intrusion, panic, premises, property, robbery, or other type of alarm device.

M. “Panic alarm” has the same meaning as “robbery alarm” below.

N. “Permittee” or “Licensee” means the person(s), corporation(s), or other business entity to whom a license or licenses have been issued under this chapter.

O. "Person" means any individual, partnership, corporation, trust, incorporated or unincorporated entity, or other entity or group of persons, but excludes the United States, the state of Washington, and any political subdivision or municipal corporation thereof.

P. "Police Department" or "police" means the Newcastle Police Department.

Q. "Premises" means any area and any portion of any area protected by an alarm system.

R. "Property alarm," "intrusion alarm," or "burglary alarm" means any system, device, or mechanism for detection and reporting of any unauthorized entry or attempted entry or property damage upon real property protected by the system which may be activated by sensors or other techniques and, when activated, transmits a telephonic, wireless, electronic, video, or other form of message, 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 protected premises.

S. "Residence" means a building or structure or portion thereof designed to be used as a place of abode for human beings and that is not used for any other primary purpose. The term includes all dwelling units within the definition of a "residential use."

T. "Robbery alarm" or "panic alarm" means any system, device, or mechanism, activated by an individual on or near the premises, to alert others that a robbery or any other crime is in progress, or that the user is in need of immediate assistance or aid in order to avoid injury or serious bodily harm, which meets the following criteria:

1. The system is installed on real property (the "protected premises");
2. It is designed to be activated by an individual for the purpose of summoning assistance to the premises;
3. It transmits a telephonic, wireless, electronic, video, or other form of message or emits an audible, visible, or electronic signal that can be heard, seen, or received by persons outside the protected premises; and
4. It is intended to summon police assistance to the premises.

U. "System subscriber" means any person, corporation, or other business entity that purchased, contracted for, or has had any alarm system installed in or on premises owned or controlled by them.

**8.05.050 Alarm system operator (monitoring company) license.** An alarm system operator license shall be required for any person to be or become or operate or provide an alarm monitoring service within the jurisdictional limits of the City of Newcastle. This includes any person who monitors alarm devices installed in the jurisdictional limits of Newcastle even if such monitoring is conducted from a location outside the city limits of Newcastle (e.g., an alarm monitoring center in another city or state). Such license shall be valid for the calendar year in which it is issued and is not transferable.

**8.05.060 Monitored alarm device license.**

A. Monitored alarm device licenses shall be required for any alarm system operator renting, leasing, installing, placing, subscribing, contracting, subcontracting, or otherwise arranging to monitor an alarm device within the city limits of Newcastle. Each monitored alarm device license shall be issued for a particular device, and shall not be transferable from: one monitored alarm device to another; from one person to another; or from one premise, building, dwelling, or residence to another. A monitored alarm device license is valid only for the calendar year in which it is issued. If an alarm system operator or subscriber transfers, assigns, or subcontracts monitoring services for a validly licensed alarm device to another alarm system operator, the existing valid license shall remain in full force and effect for the remainder of the calendar year in which it was issued. An alarm system operator who assumes responsibility for monitoring an alarm device that has already been licensed for that year must report all such transfers in its quarterly report. The alarm system operator shall provide the transfer information in the form required by the Director (e.g., Excel spreadsheet). The transfer information shall include, at a minimum, the name of the alarm system operator under which the device was previously licensed, the name of the alarm system operator assuming responsibility for the alarm, the address where the device is installed, and the name of the subscriber.

B. Alarm system operators shall update quarterly, in the form required by the Director (e.g., Excel spreadsheet), a list of all alarm devices monitored by them within the jurisdictional limits of the City of Newcastle. Such list shall include the information required by the Director, which at a minimum shall include the address where the alarm is installed, the name of the subscriber, the type of alarm, and the number of alarm devices.

C. An alarm system operator license is not required for alarm system users who do not have a monitored alarm system. However, the property owner of the premises where the non-monitored alarm systems are located shall be assessed false alarm fees, call cancellation fees and other penalties described in this chapter.

**8.05.070 Duty of licensee.**

A. It shall be the duty of all licensees granted licenses under this chapter to comply with all applicable regulations in this chapter or elsewhere, and the failure of any licensee to do so shall constitute, but shall not be exclusive grounds for, suspension or revocation of any license and shall constitute a violation of this chapter.

B. It shall be the duty of all licensees granted licenses under this chapter not to have in their employ or financially interested in the business to be conducted any person who has had his or her license revoked or suspended by the City of Newcastle within one year from the date of such revocation.

C. It shall be the duty of any person engaged in or representing himself or herself as being engaged in an alarm monitoring business in the City of Newcastle, whether it be for selling, leasing, renting, servicing, inspecting, installing, maintaining, repairing, or monitoring alarms, to obtain all licenses required by this or any other chapter including those required pursuant to Chapter 5.15, Business Licenses.

**8.05.080 Regulations.**

A. All monitored alarm systems and alarm system operators shall comply with the regulations set forth in this chapter.

B. Fees shall be assessed for all responses to monitored alarms that are determined to be false by the chief of police.

**8.05.090 Certain devices, systems, uses prohibited.**

A. No person shall operate or use an alarm system which emits an audible sound where such emission does not automatically cease within ten minutes.

B. No person shall operate or use an alarm system which automatically dials the Newcastle Police Department or their dispatch center directly and delivers a prerecorded message.

C. No person shall install, monitor, operate, or use a monitored alarm system which is not licensed as required pursuant to this chapter.

**8.05.100 No Response to Excessive False Alarms.**

The Newcastle Police Department may not respond to calls from alarm system monitoring companies or non-monitored alarm system users for alarm devices at locations where there have been six (6) false alarms within a continuous twelve (12) month period at that location. A written notification will be provided to the alarm system monitoring company, alarm system user, or the non-monitored alarm system user, providing advanced notice of such non-response status.

**8.05.110 Suspension or revocation.**

The Director shall have the power and authority to suspend or revoke any license issued under the provisions of this chapter. The Director shall notify the licensee, in writing by ordinary mail, of the suspension or revocation of the license and the grounds therefore. Any license issued, or application therefore, under this chapter may be denied, suspended, or revoked based upon any violation of this chapter. The Director shall also immediately notify the Police Department of the revocation, and no police response may be made to any alarm devices monitored by the alarm system operator until all suspended or revoked licenses are reinstated. No suspended or revoked license may be reinstated without prior payment of all license and alarm response fees due and outstanding.

**8.05.120 False alarm response fee.**

A. Alarm system operators shall be assessed a false alarm response fee for each police response to a false monitored alarm which is registered to the alarm system operator. A \$50 fee shall be assessed if the responding units are canceled prior to arrival at the scene.

B. No license hereunder shall be granted or renewed under this chapter unless all assessed false alarm response fees are paid in full. Licensees who fail to pay assessed response fees within 45 days may have all licenses suspended by the Director. Licensees who fail to pay assessed response fees within 60 days may have all licenses and registration revoked by the Director.

C. Any license suspended or revoked by the Director shall not be reinstated without payment of all outstanding balances for licenses and false alarm response fees.

D. If an alarm monitoring company calls in an alarm for the police to respond to and that residence is not registered, the City shall charge the alarm monitoring company a fine of \$250.00 dollars for failing to register their system subscriber with the City.

**8.05.130 Fees.** The license fees for the various classes of licenses shall be and are hereby fixed as follows:

<b>Alarm System Operator License</b>	
For one to 100 devices	\$100.00 per annum
For 101 to 200 devices	\$200.00 per annum
For 201 to 500 devices	\$400.00 per annum
For 501 or more devices	\$500.00 per annum
<b>Monitored Alarm Device License</b>	
\$40.00 per annum (per device)	
<i>Pro-rated fees to be charged quarterly for periods of less than a year as follows:</i>	
Alarm devices installed Jan 1 to Mar 31	\$30.00 per device
Alarm devices installed Apr 1 to Jun 30	\$20.00 per device
Alarm devices installed Jul 1 to Sep 30	\$10.00 per device
<b>False Alarm Service Fee</b>	
\$75.00 per occurrence	
<b>Call for Cancellation Fee</b>	
\$50.00 per occurrence	

**8.05.140 Method of payment.**

A. Device License Fees. Except for the initial compliance period set forth in Section 8.05.240, the fees for monitored alarm devices shall be payable in advance by the alarm system operator on an annual basis with quarterly adjustments for additional devices. Annual device licenses expire as of 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 suspension or revocation of license.

1. The initial device license fees shall be payable on or before January 31 of the annual period for which fees are due. At the time of payment of the annual fee, each alarm system operator shall provide, in the format specified by the Director (e.g. an Excel spreadsheet),



a list of all addresses at which monitored alarms are installed, the name of the corresponding subscriber, and the number of devices at such address.

2. Each alarm system operator shall provide quarterly, in the format specified by the Director (e.g. an Excel spreadsheet), a list of all additional addresses at which monitored alarms were installed during such quarter, the name of the corresponding subscriber, and the number of devices at such address. The Director shall assess each alarm system operator for each additional device and such assessment shall be due and payable no later than the last day of the month following the end of the quarter.

B. Alarm System Operators License. Except for the initial compliance period set forth in Section 8.05.220, the alarm system operators license is payable on an annual basis. The license fee shall be payable on or before December 31 of the year preceding the beginning of the annual period for which the license fee is due. The alarm system operators license expires as of December 31 in the calendar year in which it is issued and must be renewed by January 31 of the next year in order to avoid penalty.

C. False Alarm Service Fees. The false alarm service fees imposed by this chapter shall be due and payable within 30 days of the date they are billed to the alarm system operator, and remittance shall be made on or before such date.

**8.05.150. Heat detectors required.** In all newly constructed buildings or structures other than single-family/duplex residences or accessory buildings, heat detectors shall be installed in all common areas over 150 square feet in floor area, such as recreation rooms, assembly rooms, classrooms, storage rooms, laundry rooms, furnace rooms and similar areas.

**8.05.160 Smoke detectors required .** Smoke detectors shall be installed in all locations required by the Uniform Fire Code and Uniform Building Code, and in all newly constructed heated structures, and heated structures having tenant improvements, over 150 square feet in floor area. Except in Group R, Division 3 (single-family/duplex residences) and Group U occupancies (accessory buildings to single-family/duplex residence), activation of any alarm shall immediately sound an alarm in the building and at a constantly supervised location from which the dispatch center is notified. In Group R, Division 3 occupancies activation of any alarm shall immediately sound an alarm in the building.

**8.05.170 Fire sprinkler flow alarms required.** All automatic fire sprinkler systems shall be equipped with a flow switch, which is connected to an alarm system. Activation of sprinkler system shall immediately sound an alarm in the building and at a constantly supervised location from which dispatch center is notified.

**8.05.180 Appeals and Contested Fees.**

A. Contested Fees. An alarm system monitoring company aggrieved by the denial, revocation, or suspension of a license issued pursuant to this chapter, or wanting to contest a false alarm response fee, call cancellation fee, or failure to register an alarm system fee may appeal the same to the City Manager by filing a written appeal to the City Clerk within thirty (30) days after the date of the billing notice, provided that any and all fees, penalties, or assessments are fully paid at the time the appeal is filed and that all other requirements for the an

appeal have been met. The appeal must state the reason for the appeal, any mitigating circumstances, and any supporting documents for the appeal. A hearing shall be held by the City Manager within sixty (60) days from the date the appeal is filed. The City Clerk will send the appellant the date, time, and location of the hearing for the appeal.

B. As a result of information developed at the appeal, the City Manager may affirm, modify, or revoke the notice of imposition of fee. The City Manager shall make a decision on the appeal with ten (10) business days of the appeal, and said decision shall be in writing and mailed to the appellant(s) by regular mail. Any appeal of the City Manager's decision shall be to court in the manner required by law.

**8.05.190 Penalties.** Except as otherwise provided in this Chapter, the violation of or failure to comply with any provisions of this Chapter shall be a Class 1 civil infraction, that shall be processed as contemplated by Chapter 7.80 RCW. Any person found to have committed the civil infraction established by this section shall be assessed a monetary amount of two hundred and fifty (250.00) dollars plus statutory assessments. Each day of noncompliance shall be separate violation, and the monetary penalties shall accumulate.

**8.05.200 Mailing of notices.** Any notice required by this chapter to be mailed shall be sent by ordinary mail, addressed to the address as reflected in the records of the Director. Failure to receive such notice shall not relieve the obligation to pay any fee, interest, or penalty, nor shall such failure extend any time limit. It is the responsibility of the licensee to inform the Director in writing about a change in address.

**8.05.210 Duty to supply ordinances and information to system subscribers.**

A. All persons licensed pursuant to this chapter shall supply each of their system subscribers with copies of all current ordinances pertaining to alarms and a copy of the licensee's policies and practices with respect to billing a system subscriber for any fees or licenses established by this or any other chapter of the Newcastle Municipal Code.

B. All persons licensed pursuant to this chapter shall notify each of their system subscribers of the revocation or suspension of any license issued by the City of Newcastle. The notice shall be in writing and shall be mailed to all system subscribers no later than the tenth calendar day following such suspension or revocation.

C. Failure to comply with the notice requirements set forth herein shall constitute separate and independent grounds for imposition of penalties as provided herein and for suspension and revocation of any license(s) issued by the City of Newcastle.

**8.05.220 Severability.** If any provision, section, or part of this chapter shall be held invalid or its application to any person or circumstance is held invalid, all other parts, provisions, and sections of this chapter or the application to other persons or circumstances shall not be affected.

**8.05.230 Effective Date.** This ordinance shall take effect January 1, 2005.–

**8.05.240 Initial compliance date.** All persons subject to this ordinance shall have until March 31, 2005, to obtain all required and applicable licenses and pay all related fees, and to pay false alarm response fees accrued through March 31, 2005. Fees for the initial compliance period shall be computed from and paid for the period beginning January 1, 2005.

**8.05.250 Short title.** This ordinance shall be known as the Alarm Devices Code and may be cited as such.

Section 3. Effective Date. This ordinance shall take effect January 1, 2005.

PASSED BY THE CITY COUNCIL ON MAY 4, 2004.

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John D. Dulcich, Mayor

ATTEST:

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Laura Hathaway, City Clerk

APPROVED AS TO FORM:

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Dawn L. Findlay, City Attorney's Office

DATE OF PUBLICATION: May 8, 2004

EFFECTIVE DATE: January 1, 2005