

ORDINANCE NO. 595

**AN ORDINANCE REPEALING KITSAP COUNTY CODE CHAPTER 6.10  
'EMERGENCY COMMUNICATIONS SYSTEMS' AND REPLACING IT WITH  
CHAPTER 6.10, 'ALARM ORDINANCE'.**

WHEREAS, the Kitsap County Sheriff's Office (KCSO) annually responds to alarm systems activations which are not verified prior to dispatch and are consistently false;

WHEREAS, in 2017 KCSO responded to 3,558 calls for nonverified alarm activations, 99.25% of the calls were false alarms, equivalent to \$74,734.00 in deputy time and associated resources;

WHEREAS, in 2018 KCSO responded to 3,364 calls for nonverified alarm activations, 98.81% of the calls were false alarms, equivalent to \$70,659.00 in deputy time and associated resources;

WHEREAS, in 2019 KCSO responded to 3,409 calls for nonverified alarm activations, 98.9% of the calls were false alarms, equivalent to \$74,604.00 in deputy time and associated resources;

WHEREAS, in total for the years 2017 – 2019, KCSO responded to 10,331 calls for nonverified alarm activations, conservatively 98.99% of the calls were false alarms, costing the County approximately \$219,997.00 in deputy time and associated resources; and

WHEREAS, the requirements of this ordinance are intended to protect public safety by reducing the number of calls dispatched for false alarm activations and to ensure that public safety personnel are not unduly endangered or diverted from responding to actual emergency activity.

BE IT ORDAINED:

Section 1. Kitsap County Code Chapter 6.10, 'Emergency Communications Systems', last amended by Ordinance No. 62-B (1981), is repealed and replaced with Attachment 1 ('Alarm Ordinance').

Section 2. Effective Date. This ordinance shall take effect immediately.

Section 3. 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 unconstitutional, or that the application of any part of the provision to any person or circumstance is invalid or unconstitutional, the

remaining provisions and the application of those provisions to other persons, entities or circumstances shall not be affected.

ENACTED this 22 day of MARCH 2021.

**BOARD OF COUNTY COMMISSIONERS  
KITSAP COUNTY, WASHINGTON**



**ROBERT GELDER**, Chair



**EDWARD E. WOLFE**, Commissioner



**CHARLOTTE GARRIDO**, Commissioner



ATTEST:



Dana Daniels, Clerk of the Board

APPROVED AS TO FORM:



SUSAN L. ROGERS,  
Senior Deputy Prosecuting Attorney

## ATTACHMENT 1

### Chapter 6.10 ALARM ORDINANCE

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#### **6.10.10 Purpose and intent**

The purpose of this ordinance is to provide minimum standards for alarm use and monitoring to ensure that public safety personnel are not unduly endangered or diverted from responding to actual emergency activity as a result of responding to false alarms. This chapter is not intended to apply retroactively. All outstanding fees and fines due prior to enactment shall remain due.

#### **6.10.020 Definitions**

The following definitions apply throughout this chapter unless the context clearly requires otherwise.

- A. "Alarm administrator" means the person(s) designated by the Kitsap County Sheriff to administer the provisions of this chapter and false alarm reduction efforts.
- B. "Alarm company" or "Alarm companies" means any person that, directly or through a third party, maintains, services, and/or monitors an alarm system located in the County. This includes alarm systems, which intercept, transmit or receive signals, regardless of form, which originated from an alarm site within the County to any location inside or outside the County. For purposes of this chapter, any person acting on behalf of an alarm company to provide monitoring service and/or any person responsible for monitoring an alarm system is considered an alarm company.
- C. "Alarm dispatch request" means a communication to Kitsap 911 requesting that public safety respond to an alarm activation.

- D. "Alarm signal" means a detectable signal, whether audible, visual, and/or silent, generated by an alarm system, to which a public safety response is requested.
- E. "Alarm site" means any single premise or location served by an alarm system or systems. Each unit or tenancy, if served by a separate alarm system in a multi-tenant building or complex, shall be considered a separate alarm site.
- F. "Alarm system" means any mechanism, equipment, device, or series thereof, which, when activated, transmits an alarm signal, regardless of form, to which a public safety response is requested. An alarm system may consist of one or more components (e.g., motion detector, window breach detector, or similar components) all reporting to a central unit/system panel or device which, in turn, may be connected to or reports to an alarm company via telephonic, wireless, electronic, video, or other form of message. An alarm system does not include devices not installed, operated, or used for the purpose of reporting an emergency to public safety.
- G. "Alarm user" means any person who leases, rents, owns, uses, or controls an alarm system or on whose premises an alarm system maintained for the protection of the premises.
- H. "Automatic dialing device" means any electronic device, software, or other device capable of being programmed to send a prerecorded message or code signal when activated, over a telephone line, radio, or other communication system, to an emergency communication system requesting the dispatch of public safety.
- I. "Cancellation" or "cancel" means the process by which an alarm dispatch request is terminated and occurs when the alarm company notifies Kitsap 911 that there is not an existing situation at the alarm site requiring a public safety response after an alarm dispatch request and prior to public safety arriving at the scene or alarm site.
- J. "County" means Kitsap County, Washington.
- K. "Emergency" means reasonable evidence to believe a medical emergency, or unauthorized entry, robbery, or other criminal activity has occurred or was attempted in or at the alarm site which would necessitate a public safety response.
- L. "False alarm" means an activation of an alarm system which prompts a request to Kitsap 911 to summon public safety, when a situation requiring a public safety response does not exist, meaning: (1) there was no evidence of an emergency, or (2) the cancellation of a unverified alarm dispatch request after public safety responds at the alarm site. A false alarm includes an alarm signal caused by conditions of nature, which are normal for that area. A false alarm does not include an alarm signal caused by extraordinarily violent conditions of nature such as tornadoes, floods, and earthquakes.
- M. "Kitsap 911" means the emergency communication system center providing dispatch services to the Kitsap County Sheriff's Office.

- N. "Monitors" or "monitoring" means the process by which an alarm company, directly or through a third-party vendor, receives signals from an alarm system and relays the information to Kitsap 911 requesting a public safety response.
- O. "Multi-zone activation" means the activation of multiple detectors through redundant detection devices such as the activation of one motion detector or one photo-electric beam paired with the activation of another device, motion detector, photo-electric beam, or door contact.
- P. "Owner" means any person(s) who owns, leases, operates, occupies, or manages the premises in which an alarm system is installed or utilized.
- Q. "Panic Alarm" means a silent alarm signal which is generated when an alarm user enters a designated code into the alarm system keypad, different from the regular arm and disarm code, and designed to alert the alarm company that the alarm user is being forced to turn the alarm system off against the user's will or intended to signal a life threatening or emergency situation requiring an immediate public safety response.
- R. "Person" means an individual, business, corporation, firm, business trust, estate, trust, partnership, company, association, government, joint venture, business, or any other group, legal or commercial entity, or its employees, representatives, subcontractors, or agents.
- S. "Private responder" means an alarm company's guard, or a person designated by an alarm user or alarm company to respond to an alarm site to verify and deactivate an alarm.
- T. "Protective reactive device" means a device that produces a temporary disability or sensory deprivation through use of chemical, electrical, sonic, or other means including use of devices that obscure or disable a person's vision.
- U. "Public safety" means the Kitsap County Sheriff's Office deputies or other sworn law enforcement personnel.
- V. "Sheriff" means the Kitsap County Sheriff or his/her designee.
- W. "Verify" or "Verified" means visual or audio confirmation of emergency at an alarm site, which requires a public safety response, by means of: (1) confirmation at the alarm site by the alarm user or self-monitored real-time visual or audio equipment; (2) multi-zone activation at the alarm site; (3) confirmation by a private responder or other secondary confirmation at the alarm site; or (4) real-time audio and/or visual evidence at the alarm site provided by an alarm company, provided that such audio or visual evidence is made available to Kitsap 911 no more than 24 hours after the dispatch of public safety.

#### **6.10.030 General applicability and exceptions**

The provisions of this chapter do not apply to panic alarms, or alarms installed in motor vehicles,

motorcycles, boat trailers, septic systems, or aircraft alarms or alarms carried by or worn on a person, or temporary alarm system used by public safety for official purposes.

#### **6.10.040 Prohibitions**

- A. The following are unlawful and prohibited:
1. The installation, maintenance, or use of an alarm system that emits an audible sound which does not automatically cease 10-minutes from the initial activation of the alarm, or that repeats an audible alarm cycle exceeding 10-minute, except fire or other evacuation alarm when necessary to save lives or avoid injury.
  2. The operation, use, or activation of an automatic dialing device, or other direct transmission to public safety personnel.
  3. A request for public safety to respond to an alarm activation when: (i) the alarm has not been verified; (ii) alarm system or monitoring equipment indicates an alarm system malfunction; or (iii) the alarm activation is for a false alarm. A properly verified alarm as required in this chapter will not be considered false.
  4. The installation or use of a protective reactive device that emits or produces real or simulated smoke, fog, vapor, or any like substance that obscures vision. Public safety will not enter a structure in an emergency when such a device is in use.

#### **6.10.050 Responsibilities of alarm companies**

- A. When providing monitoring services, the alarm company shall: (1) provide alarm users written instructions and training regarding the proper use and operation of the alarm system to include information necessary to prevent false alarms; and (2) provide alarm users a notice containing the name, address, and telephone number of the alarm company and person to be notified 24/7 when the alarm system is activated with an audible signal; and (3) if feasible, post notice so it is visible and legible from just outside the main entrance of the building where the alarm system is located. This requirement does not apply to self-monitored alarm systems.
- B. Alarm companies shall maintain current contact information for all alarm users in the county, to include the: (1) names, emergency telephone numbers and addresses for all alarm users; (2) names and emergency telephone numbers for at least two alternate private responders with the ability to deactivate the alarm system; and (3) any other information required by this chapter.
- C. Alarm companies that request a public safety response to an alarm activation shall maintain records regarding all such requests for one year from the date of the request. The records shall include the: (1) name of the company representative submitting the request, (2) address of the alarm activation, (3) the name, address, and telephone number of the alarm

user, (4) date and time of the request, (5) alarm system zones activated, (6) method of verification, and (7) cause of the alarm.

- D. Alarm companies providing monitoring services in the County shall provide the Kitsap County Sheriff's Office and Kitsap 911 with contact information (name, address, phone number, and email address) for a person designated by the alarm company to function as the company's alarm response coordinator to manage alarm related issues. The alarm response coordinator shall have authority to deal with false alarm issues and respond to requests from the Sheriff and Kitsap 911.
- E. Information requested by the Kitsap County Sheriff's Office or Kitsap 911 from the alarm company shall be immediately provided when requested in response to an alarm dispatch request. The alarm company shall provide all records requested to demonstrate verification of the alarm to the Kitsap County Sheriff's Office or Kitsap 911, at no cost, within seven calendar days of a request.

#### **6.10.060 Verified alarm reporting requirements**

- A. Prior to any person submitting an alarm dispatch request to Kitsap 911, the alarm activation shall be verified as required by this chapter. The following information shall be provided to Kitsap 911 when requesting a public safety response to an alarm activation:
  - 1. Exact address of the alarm activation including: (i) the name and type of establishment, (ii) occupancy at the location, and (iii) if the structure has more than one floor or occupancy.
  - 2. Type and nature of alarm activation (e.g. burglary, interior/perimeter, silent/audible).
  - 3. All information available regarding the location of all alarm activation signals.
  - 4. All information available regarding dogs, pets, or firearms at the alarm site.
  - 5. Identify if there is a protective reactive device at the alarm site and advise Kitsap 911 that public safety personnel should not enter the alarm site until the alarm user or private responder is present to deactivate the device.
  - 6. The names, address, and telephone numbers for the alarm user, and the private responder contacted by the alarm company, if any.
  - 7. The name, address, and phone number for the alarm company and person reporting the alarm activation.
- B. Alarm companies shall ensure that someone (e.g. alarm user or private responder) promptly responds to an alarm site to deactivate an alarm and provide access to the alarm site upon

receiving a request from Kitsap 911 or public safety to do so.

- C. Alarm companies shall establish procedures for communicating and accepting the cancellation of alarm activations from alarm users and work cooperatively with the alarm user to aid in the prevention and reoccurrence of false alarms.
- D. Alarm companies shall cancel an alarm dispatch request immediately if determined that a public safety response is unnecessary. The cancellation shall be in the manner and form requested by the Sheriff and Kitsap 911.
- E. The alarm company shall maintain the following information: the names and telephone numbers of the primary alarm users; the address of the alarm activation site; the cause of the alarm; the names and telephone numbers for the designated private responders; date and time of the alarm activation; weather conditions; and any other information necessary for alarm verification.

#### **6.10.070 Responsibilities of alarm users and owners**

- A. Alarm users and owners shall:
  - 1. Maintain the alarm site and alarm system in a manner to minimize or eliminate false alarms.
  - 2. Ensure the alarm system is not manually activated for any reason other than an emergency or as provided in this chapter.
  - 3. Instruct all alarm users to properly activate or deactivate the alarm system, provide them with the password (including proper spelling), and the phone number for the alarm company.
  - 4. Instruct all alarm users of the requirements of this chapter, emphasizing the importance of avoiding false alarms. It is presumed that proper instruction has not been provided if there are more than two false alarms in any six month period per alarm site.
  - 5. Provide reasonable notice to Kitsap 911 prior to the activation of an alarm for maintenance, repair, testing, or instructional purposes.
  - 6. Maintain on file with the alarm company the alarm users current contact information (name, address, and phone numbers of primary alarm users), and the names and telephone numbers for the alarm user's designated private responders.
  - 7. Ensure there is a private responder at the alarm site within 30 minutes upon notification of the need to deactivate a malfunctioning alarm system, to provide right of entry to the premises, or to provide alternative security for the premises.



- B. Alarm users and owners shall be responsible for false alarms caused by any person having authorized access to the alarm site.
- C. Alarm users and owners operating an alarm system without the assistance of an alarm company are subject to all of the same duties, responsibilities, and prohibitions applied to an alarm company as provided in this chapter.

**6.10.080 Enforcement and administrative penalties**

- A. The sheriff is authorized to enforce all provisions of this chapter and may cause a notice of administrative penalty to be issued to any person determined to have violated any provision of this chapter. Such violations include without limitation: (1) a false alarm; (2) a request to dispatch public safety for an alarm that has not been verified as provided by this chapter or falsely verified; and/or (3) any other violation of any provision of this chapter.
- B. Activation of an alarm determined to be a false alarm, but which was identified as verified by an alarm company, shall be deemed falsely verified and shall result in the imposition of an administrative penalty assessed against the alarm company.
- C. The administrative penalty for a first violation of any provision of this chapter is \$150; the second or any subsequent violations during any 12 month continuous period may be assessed a penalty of not less than \$150 and not more than \$500. All penalties shall be made payable to the Kitsap County Sheriff's Office and deposited in the Kitsap County Sheriff's Office crime prevention fund.
- D. All administrative penalties assessed under this chapter shall be due within 30 calendar days from the date of the notice of administrative penalties. A late fee of \$25 and reasonable administrative costs and collection fees may be assessed on any past due account.
- E. The sheriff is authorized to establish and assess any reasonable administrative costs. Administrative costs may include, but are not limited to, the costs of mailing, scheduling, and processing the notice of administrative penalty, hearing requests, hearing and the like.

**6.10.090 Notice and appeals procedures**

- A. The notice of administrative penalty and other enforcement decision will identify the: (1) violation(s), (2) violation date(s), (3) address of the alarm activation site, (4) description of the incident, (5) penalty amounts due, (6) right to appeal, and (7) address and email for the alarm administrator.
- B. The notice of an administrative penalty and all notices may be served by regular first class mail, postage prepaid, to the person's last known business or residence address provided to Kitsap 911 or for a business registered with the Washington Secretary of State, to the violator's identified registered agent. Service by mail is considered given at the time of

deposit in the United States mail. Failure to receive such notice shall not relieve the obligation to pay any fine, penalty, or interest, nor shall such failure extend any time limit.

- C. The assessment of an administrative penalty and other enforcement decisions made under this ordinance may be appealed by filing a notice of appeal with the alarm administrator within 30 calendar days after the date of the notice of administrative penalty was served. All appeals must be in writing and specifically identify what is being appealed, the factual basis for the appeal, and include any supporting documentation. Failure to deliver a request to appeal to the alarm administrator within the 30-day time period is a waiver of the right to appeal the assessment of penalties or other enforcement decision.
- D. The alarm administrator shall review the request to appeal and supporting documents using a preponderance of the evidence standard and make a written decision, without a hearing, in 14 calendar days from the alarm administrator's receipt of a properly submitted appeal request. The 14-days may be continued by the alarm administrator for an additional 14-days with good cause. The alarm administrator shall have the discretion, but not the obligation, to reduce or waive any penalty or reverse any other enforcement decision when deemed appropriate and warranted. The alarm administrator's decision is considered final. Payment will be immediately due upon service of the issuance of the written decision.

#### **6.10.100 Violations**

The remedies and penalties set forth in this chapter are non-exclusive and the county may seek any and all legal and equitable relief permitted by law. A violation of any provision of this chapter may be pursued as an administrative violation, civil violation as provided in chapter 2.116, or a criminal violation as provided in chapter 1.12, of the Kitsap County Code. Each violation is a separate and distinct offense and in the case of a continuing violation, each day the violation continues shall constitute a separate offense for which a separate penalty may be assessed. The administrative penalty amounts may be set and amended by resolution of the Board of County Commissioners.

#### **6.10.110 Limitation of Liability**

Nothing in this chapter is intended to, nor will it, create any express or implied duty or obligation for public safety to respond to an alarm dispatch request, whether verified or not verified. The county and the Kitsap County Sheriff's Office are under no special duty or obligation to an alarm company, alarm user, or any other person by reason of any provision of this chapter and assume no duty to respond to an alarm activation of any kind or nature whatsoever as a result of the enactment this chapter or prior decisions to respond to an alarm. Any and all liability or damages of any kind or nature whatsoever resulting from or relating to the Kitsap County Sheriff's Office response, or lack of response, to a verified or non-verified alarm is hereby disclaimed and governmental immunity as provided by law is retained by the County.