

Ordinance No. _____

AN ORDINANCE OF THE CITY OF OLYMPIA, WASHINGTON, RELATED TO SECURITY ALARM SYSTEMS, AND AMENDING CHAPTER 16.46 AND SECTION 5.55.080 OF THE OLYMPIA MUNICIPAL CODE.

WHEREAS, security alarm administration is managed by the Police Department; and

WHEREAS, changes to the security alarm code would enable the Police Department to more effectively manage the program; and

WHEREAS, it is necessary to make technical corrections and updates to OMC Chapters 5.55 and 16.46; and

WHEREAS, the Ordinance is supported by the staff report concerning the Ordinance and the professional judgement of City staff;

NOW, THEREFORE, THE OLYMPIA CITY COUNCIL ORDAINS AS FOLLOWS:

Section 1. Amendment of OMC 5.55. Olympia Municipal Code Chapter 5.55 is hereby amended to read as follows:

**Chapter 5.55
SECURITY ALARM BUSINESSES**

5.55.000 Chapter Contents

Sections:

- 5.55.010 Purpose.
- 5.55.011 Definitions.
- ~~5.55.012 Effective date.~~
- 5.55.020 License required.
- 5.55.025 Licensing process.
- 5.55.030 License renewal.
- 5.55.040 Control number.
- 5.55.050 Installation standards.
- 5.55.060 Monitoring standards.
- 5.55.070 Public disclosure requirements.
- 5.55.080 Penalties for non-compliance.
- 5.55.090 Appeals.

5.55.010 Purpose

To assure that responses to false alarms do not diminish the availability of police services to the general public and to assure that citizens who cannot afford or do not choose to operate security alarm systems are not

penalized for their choice or condition, the City seeks to regulate security alarm businesses and to encourage the reduction or elimination of Department response to false alarms by requiring such businesses to be licensed and requiring them to comply with reasonable service quality and truth in advertising standards. (See also OMC Chapter Section 16.46 of this Code.)

5.55.011 Definitions

The definitions in OMC 16.46.011 apply throughout this Chapter, unless the context clearly requires otherwise.The following terms, for the purposes of this Chapter, shall have the following meanings:

A.— Alarm Administrator means the person designated by the Chief of Police to administer the city's security alarm program.

B.— Alarm Appeals Officer means the person(s) designated by the Chief of Police to hear and decide appeals related to penalty fees and license revocations pursuant to this Chapter.

C.— Alarm business means any business, by an individual, partnership, corporation or other entity engaged in the selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or responding to security alarms. Alarm businesses also include any person, business or organization that monitors security alarm systems and initiates alarm dispatch requests, including units or divisions of larger businesses or organizations that provide proprietary security alarm monitoring services only to affiliates of the parent business or organization. Alarm businesses do not include persons doing installation or repair work solely on premises they own, lease or rent, where such work is performed without compensation of any kind (i.e., "do-it-yourselfers").

D.— Alarm dispatch request means the initiating of a communication to the police, either directly or via its designee, the regional communications agency (CAPCOM), by an alarm business indicating that a security alarm system, either manual or automatic, has been activated at a particular alarm site and requesting Department response to that alarm site.

E.— Alarm site (also security alarm site) means a structure or portion thereof served by a single security alarm system (a "fixed" alarm site). In a multi-tenant building or complex, each portion of the structure or complex having its own security alarm system shall be considered a separate alarm site.

F.— Control number means the unique number assigned to each licensed security alarm business by the Alarm Administrator.

G.— Department (also Police Department) means the Olympia Police Department.

H.— False alarm means a condition in which the responding police officer cannot reasonably attribute an alarm system activation to the commission or attempted commission of a crime, or where making such a determination is not possible because an alarm site is inaccessible—as described in Chapter 16.46.012(O).

I.— Monitoring means the process an alarm business uses to keep watch on alarm systems; to receive alarm activation signals from alarm systems; to verify alarm activations; to relay alarm dispatch requests to the Department for the purpose of summoning police response to an alarm site; and to cancel alarm dispatch requests (when appropriate).

J.— Person, for purposes of this Chapter, means an individual, corporation, partnership, association, organization or similar entity.

K.— Protective/reactive alarm system means an alarm system that is rigged to produce any temporary disability or sensory deprivation through use of chemical, electrical or sonic defense, or by any other means, including use of vision obscuring/disabling devices.

L.— Real-time audio/video surveillance means the monitoring of an alarm site by means of devices that permit either the direct, live listening in or viewing of an alarm site or portions thereof.

M.— Revoke (revocation) for purposes of this Chapter means the indefinite loss of the privileges associated with registering a security alarm system in the City of Olympia (for alarm users) or the privileges associated with an alarm business license (for alarm businesses).

N.— Unverified response means a police response based on information indicating a possible crime or attempted crime at a location (e.g., an alarm site) that has not been positively verified by a person physically present at the location or by real-time audio or video surveillance (e.g., activation of an electronic sensor).

O.— Verified response means a police response that is based on information received from a person physically present at a location (e.g., an alarm site) or from real-time audio or video surveillance positively verifying that there is reasonable cause to believe either that a crime is being attempted or a crime is actually occurring at the location.

~~5.55.012 Effective Date~~

~~The provisions of this Chapter are effective January 1, 2005, and thereafter.~~

5.55.020 License Required

A. It is unlawful for any alarm business to sell, lease, maintain, service, repair, alter, replace, move, install, respond to, or monitor private security alarm systems located in the City of Olympia without first obtaining an security alarm business license pursuant to the provisions of this Chapter.

B. It is unlawful for any retail businesses to engage in the selling of security alarm systems and/or devices designed for "do-it-yourself" installation without first obtaining an security alarm business license pursuant to the provisions of this Chapter.

C. Alarm businesses engaged in the installation, maintenance, and servicing of security alarm systems may also be required to have additional professional and technical licenses and to comply with other applicable codes.

5.55.025 Licensing process

A. Applications for a license under this Chapter shall ~~must~~ be available from and be submitted to the City Clerk (or designee).

B. The license application shall ~~must~~ include, but is not ~~be~~ limited to, the following:

1. An affidavit signed by ~~the Chief Executive Officer (or other a~~ person authorized to act ~~in-on~~ behalf of the business) committing the ~~security~~ alarm business to comply with the provisions of this Chapter and OMC Chapter 16.46 ~~of this Code~~.

2. If the alarm business has had its license temporarily revoked under this Chapter, and is reapplying for a new license, an affidavit signed by ~~the Chief Executive Officer (or other a~~ person authorized to act ~~in-on~~ behalf of the business) detailing the corrective steps taken to restore eligibility for a ~~new~~ license.

C. The City Clerk (or designee) shall issue a license under this Chapter to an security alarm business that meets the following requirements:

1. The ~~security~~ alarm business has submitted the application materials specified in OMC 5.55.025(B);

2. The ~~security~~ alarm business has remitted the required license fee.

3. The alarm business is in compliance with the provisions of this Chapter and OMC Chapter 16.46 ~~of this Code~~.

5.55.030 License renewal

Renewal of the license for an security alarm business is contingent on the following conditions:

A. The alarm business has remained in compliance with the provisions of this Chapter and OMC Chapter 16.46 ~~of this Code~~ during the previous calendar year, and such compliance has been confirmed by the Alarm Administrator.

B. The alarm business has no outstanding penalty fees and is not in a license suspension ~~revocation~~ period.

5.55.040 Control number

A. On receipt of confirmation from the City Clerk (or designee) that an security alarm business has been issued a license under this Chapter, the Alarm Administrator shall assign the licensee a unique control number.

- B. The assigned control number remains valid for as long as the ~~security~~ alarm business to which it is assigned remains ~~continuously~~ licensed under this Chapter.
- C. To register security alarm systems at security alarm sites in the City or make evoke police response to alarm dispatch requests to alarm sites in the City, the ~~licensee or his/her agent(s)~~ alarm business may be required to provide the Department (or designee) with its valid control number in the manner prescribed by the Alarm Administrator.
- D. No ~~security~~ alarm business shall presume, anticipate, or expect the registration of an security alarm system or police response to an alarm dispatch request in any circumstance where the alarm business has not been issued a valid control number ~~is not provided~~, as specified in OMC 5.55.040(C).

5.55.050 Installation standards

- A. All security alarm panels systems that are installed or replaced in the ~~City of Olympia~~ shall must have alarm panels that comply with the current ANSI Standard on security control panels, or ~~shall~~ must have real-time video or audio monitoring capability.
- B. All robbery, ~~hold-up, panic and/or duress~~ alarms designed to ~~evoke police response~~ initiate an alarm dispatch request that are installed or replaced in the ~~City of Olympia~~ shall ~~require~~ must have at least two actions to activate.
- C. All businesses installing or replacing security alarm systems in the ~~City of Olympia~~ shall, prior to securing registration for and activating the system, complete both an Installer False Alarm Prevention Checklist and a Customer Training and False Alarm Prevention Checklist verifying that the alarm user has been properly prepared for use of the system and has been apprised of the rules and regulations governing the operation of alarm systems in the City.
- D. No alarm business installing, replacing, or re-programming security alarm systems in the ~~City of Olympia~~ shall ~~may~~ program a security alarm system to do any of the following:
1. Have an entry/exit delay of less than 45 seconds;
 2. Have a siren, bell, or other signal audible from any property adjacent to the alarm site that sounds for more than five (5) consecutive minutes or three (3) repetitions of the five minute cycle without resetting.
 3. Accept alarm inputs for the first sixty (60) seconds following a power restoration.

5.55.060 Monitoring standards

- A. ~~All~~ Any security alarm monitoring businesses monitoring burglary alarm systems located in the ~~City of Olympia~~ shall, prior to ~~requesting~~ making an ~~alarm~~ dispatch request, do the following:

1. Attempt a verification call to the premises security alarm site;
2. If no responsible party is located on the initial verification call, attempt a second verification call to a cell phone or other alternate contact number designated by the alarm user.
3. This section does not apply to robbery/~~hold-up/panic/duress~~ alarms or to public schools on certain days and hours, as described in OMC 16.46.181(A)(1).

B. ~~A~~ No security alarm monitoring business monitoring security alarms shall not initiate an police alarm dispatch request when it knows, or reasonably should know, that the request relates to an address/security alarm site that is unregistered or that has had its registration suspended or revoked.

C. ~~No~~ A security alarm monitoring business monitoring security alarms shall not initiate an police alarm dispatch request to any security alarm site that it knows, or reasonably should know, is fitted with a protective-reactive device until a person responsible for the security alarm site has been contacted ~~in person~~ and has confirmed that he/she is en route to the security alarm site to disarm the device security alarm system. In all cases where a protective-reactive device is present at an security alarm site, the police alarm dispatch request shall must include a warning for officers not to enter the security alarm site until the responsible person is present and has disarmed the device security alarm system.

5.55.070 Public disclosure requirements

A. Any ~~security alarm~~ business entering into a contract with an customer alarm user for the purchase and installation of a new security alarm system at an alarm site in the ~~City of Olympia~~ shall, prior to final acceptance of that contract by the customer alarm user, provide the customer alarm user with a copy of the ~~City of Olympia's~~ Public Disclosure Statement For Security Alarm Users.

B. Any security alarm monitoring business entering into a contract with an alarm user for the monitoring of a new or existing security alarm system at an alarm site in the ~~City of Olympia~~ shall, prior to final acceptance of that contract by the customer alarm user, provide the alarm user with a copy of the ~~City of Olympia's~~ Public Disclosure Statement For Security Alarm Users. If one alarm business contracts with a customer concurrently for installation and monitoring, only one disclosure statement is required.

C. Any retail business in the ~~City of Olympia~~ offering security alarm systems or devices to the general public for "do-it-yourself" installation shall, at the time of sale, provide customers purchasing such systems or devices with a copy of the ~~City of Olympia's~~ Public Disclosure Statement For Security Alarm Users.

D. Proof of compliance with the public disclosure requirement is a precondition of initial alarm system registration (OMC 16.46.031). Receipt by the Alarm Administrator of a copy of the disclosure statement signed by the alarm user is appropriate proof of compliance.

E. The Alarm Administrator determines the content of the Public Disclosure Statement For Security Alarm Users and assures that all ~~security~~-alarm businesses licensed under this Chapter are provided with a current, replicable version of the Statement.

5.55.080 Penalties for non-compliance

A. An alarm business ~~engaging in installation or maintenance of security alarm systems~~ that does not comply with any standard or requirement specified in ~~sections 5.55.050 or 5.55.070 of this Chapter or OMC Chapter 16.46 this code, or an security alarm monitoring business engaging in monitoring of security alarm systems that does not comply with any standard or requirement specified in this Chapter or OMC chapter 16.46 sections 5.55.060 or 5.55.070 of this code, shall~~will:

1. On the first offense, receive a written warning from the Alarm Administrator stating the nature of the violation and the consequences for future violations;
2. On the second offense, be assessed a penalty fee of \$500 by the Alarm Administrator.
3. On the third offense, be assessed a penalty fee of \$1,000 by the Alarm Administrator and receive a written warning of ~~revocation~~ suspension.
4. On the fourth offense, have its security alarm business license ~~revoked~~ suspended for one (1) year.
5. Any alarm business that has its security alarm business license ~~revoked~~ suspended two or more times may have its license permanently revoked by the Alarm Administrator.

B. An ~~retailer~~ alarm business licensed under this ~~Code Chapter~~ to engage in the sale of security alarm systems or devices ~~who that~~ does not comply with ~~section OMC 5.55.070(C) of this code shall~~will:

1. On the first offense, receive a written warning from the Alarm Administrator stating the nature of the violation and the consequences for future violations;
2. On the second offense, be assessed a penalty fee of \$250 by the Alarm Administrator.
3. On the third and each subsequent offense, be assessed a penalty fee of \$500 by the Alarm Administrator.

C. The Alarm Administrator shall notify, ~~by certified mail, the Chief Executive Officer of the~~ an security alarm business of any written warning, imposition of penalty fees, or license suspension or revocation involving that business. Such notification ~~shall~~ must include suspension ~~revocation~~ starting and ending dates (when ~~appropriate~~ applicable) or revocation starting date (when applicable) and a description of appeal options and processes. The date of a suspension or revocation starts action ~~shall~~ must be no less than twenty (20) business

days from the date ~~the certified letter is mailed~~ notification is made~~provided~~ to the security-alarm business, to allow the business to notify its customers and make arrangements for the cessation of service.

D. The Alarm Administrator shall, after the date for appeal has passed, notify the public in a timely manner of any instance in which ~~an~~ security-alarm business has its license suspended or ~~revoked~~. Such notification ~~shall~~ must be in a newspaper of general circulation and on the ~~Police-Department~~ web site and ~~shall~~ must include the security-alarm business name, the reason for the action, and the dates the suspension ~~revocation~~ begins and ends, or the date the revocation begins. In cases where an appeal is requested, public notification ~~shall~~ must take place after a decision is reached on the appeal, ~~if appropriate~~. The security-alarm business ~~shall~~ be responsible for the actual cost of public notification.

5.55.090 Appeals

~~An alarm business that is assessed Ppenalty fees or whose and license is suspended or -revocations-revoked may be appealed- such action to the Alarm Appeals Officer, as follows:~~

A. ~~The appeal process is initiated by the~~An security-alarm business initiates the appeal process by sending an appeal request, in the form of a -letter to the Alarm Appeals Officer, requesting an appeal conference and specifying the reasons for the appeal. ~~This letter~~The appeal request must be received by the Alarm Appeals Officer within ten (10) working-business days after receipt of the certified letter notifying the business of the penalty fee or license suspension or revocation.

B. An security-alarm business may initiate an appeal under this section only on the grounds that the offense cited as the basis for a penalty fee or license suspension or revocation did not occur. The security alarm business must, in its ~~letter requesting an appeal request,~~ describe credible evidence in its possession that it can produce to the Alarm Appeals Officer that supports its ~~position~~appeal.

C. The Alarm Appeals Officer may reject, without further process, an requests for appeals request that ~~are is~~ not supported by credible evidence ~~from the appellant~~. The Alarm Appeals Officer shall send written Notice notice of rejection of an appeal request for appeal shall be sent to the appellant in writing within five (5) workingbusiness days following receipt of the request by the Alarm Appeals Officer.

D. The filing of an appeal request ~~for an appeal conference with the Alarm Appeals Officer~~ sets aside~~stays~~ any pending penalty fee or license suspension or revocation until the Alarm Appeals Officer rejects the appeal, as described in 5.55.090(C), or renders a final decision.

E. The Alarm Appeals Officer shall conduct an appeal conference ~~in Olympia~~at a location within the City within fifteen (15) workingbusiness days after receiving the appeal request, ~~and shall determine if grounds exist to reconsider the action.~~

F. At the appeal conference, the Alarm Appeals Officer shall consider evidence presented by any interested person(s). The alarm business has the burden to establish, based on credible evidence, that the violation(s)

~~that it is the basis for the penalty fee or license suspension or revocation did not occur.~~ The Alarm Appeals Officer shall make ~~his/her~~ the appeal decision on the basis of the preponderance of evidence presented at the appeal conference.

G. The Alarm Appeals Officer shall ~~render a~~ issue a written appeal decision and ~~shall provide~~ notify the appellant and the Alarm Administrator ~~a copy of the decision thereof in writing within ten (10) working business days after the appeal conference is held~~ completed. The Alarm Appeals Officer may affirm, cancel, or modify the penalty fee or license suspension or revocation that is the subject of the appeal.

H. The official decision of the Alarm Appeals Officer is final, and no further appeals or remedies are available, except those provided by law.

I. ~~Authority-The provisions of OMC 16.46.171 through .175, applicable to of the Alarm Appeals Officer, are applicable to appeals heard under this Chapter is set forth in section 16.46.172 of this Code.~~

Section 2. Amendment of OMC 16.46. Olympia Municipal Code Chapter 16.46 is hereby amended to read as follows:

**Chapter 16.46
SECURITY ALARM SYSTEMS**

16.46.000 Chapter Contents

Sections:

- 16.46.010 Purpose.
- 16.46.011 Definitions.
- 16.46.020 Administration and funding.
- 16.46.030 ~~Security Alarm~~ alarm sites must be registered.
- 16.46.031 Registration terms and fees.
- 16.46.032 Responsibilities of alarm users.
- 16.46.040 ~~Alarm businesses providing monitoring services must be licensed~~ Only licensed security alarm monitoring businesses may initiate alarm dispatch requests.
- 16.46.050 Verified response required in certain circumstances.
- 16.46.060 Alarm dispatch requests.
- 16.46.070 Alarm dispatch request cancellations.
- 16.46.080 Compliance with monitoring standards required.
- 16.46.090 Prohibited devices.
- 16.46.100 Violations.
- 16.46.110 Appropriating public police services for private purposes subject to service fees.

- 16.46.120 Fees for appropriating public police services for private purposes.
- 16.46.130 Authorization to issue citations and assess fees.
- 16.46.140 Fee processing.
- 16.46.150 Suspension and revocation of registration.
- 16.46.160 False alarm awareness classes.
- 16.46.170 Appeals.
- 16.46.171 Authority of Alarm Appeal Officer.
- 16.46.172 Alarm Appeals Officer selection.
- 16.46.173 Qualification and removal.
- 16.46.174 Improper influence, conflict of interest, and appearance of fairness.
- 16.46.175 Organization, rules.
- 16.46.180 Exceptions.
- 16.46.181 Special rules applicable to public schools.

16.46.010 Purpose

To assure that responses to false alarms do not diminish the availability of police services to the general public and to assure that citizens who cannot afford or do not choose to operate security alarm systems are not penalized for their condition or choice, the City regulates ~~security-alarm businesses,~~ including security alarm monitoring businesses. (See OMC Section 5.55 ~~of this Code.~~)

The intent of this Chapter is to encourage security alarm monitoring businesses and alarm users to maintain the operational viability of security alarm systems and to significantly reduce or eliminate false alarm dispatch requests made to the ~~Police~~ Department.

The purpose of the Chapter is to provide for and promote the health, safety, and welfare of the general public, not to protect individuals or create or otherwise establish or designate any particular class or group of persons who will or should be especially benefited by the terms of this Chapter. The Chapter does not impose or create 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, using, monitoring, installing, or maintaining security alarm systems.

16.46.011 Definitions

- A. Alarm Administrator means the person designated by the Chief of Police to administer the City's security alarm program and to issue citations and levy fees pursuant to this Chapter.
- B. Alarm Appeals Officer means the person(s) designated by the Chief of Police to hear and decide appeals related to service fees and registration suspensions and revocations pursuant to this Chapter.
- C. Alarm business means any businessperson (as defined in this section), ~~by an individual, partnership, corporation or other entity~~ engaged in the selling, leasing, maintaining, servicing, repairing, altering, replacing,

moving, installing, or responding to security alarms, including security alarm monitoring business (as defined in this section). ~~Alarm businesses also include any person, business or organization that monitors security alarm systems and initiates alarm dispatch requests, including units or divisions of larger businesses or organizations that provide proprietary security alarm monitoring services only to affiliates of the parent business or organization. A p~~Alarm businesses do not include persons doing installation or repair work solely on premises ~~they~~ such person owns, leases, or rents, where such work is performed without compensation of any kind (i.e., "do-it-yourselfers"), is not an alarm business.

ED. Alarm dispatch request means the initiating of a communication to the police, via the regional communications agency (CAPCOMTCOMM), by an security alarm monitoring business indicating that an ~~security~~ alarm system has been activated at a particular security alarm site and requesting Department response to that security alarm site.

FE. Security Alarm alarm site (also security alarm site) means a structure or portion thereof served by a single security alarm system (a "fixed" security alarm site). In a multi-tenant building or complex, each portion of the structure or complex having its own security alarm system is considered a separate security alarm site.

GF. Security aAlarm system (also security alarm system) means a device or series of interconnected devices, including, but not limited to, systems interconnected with hard wiring or radio frequency signals, which are designed to emit ~~and/or~~ transmit a remote or local audible, visual, or electronic signal indicating that an intrusion may either be in progress or is being attempted at the security alarm site. It means only the equipment located at the security alarm site when a system is connected to an security alarm system monitoring company. Security alarm systems do not include those devices designed to alert only the inhabitants of specific premises and that have no sounding or signaling devices ~~which that~~ can be generally heard or seen on the exterior of the security alarm site.

HG. Alarm user means any person (as defined in this section), ~~firm, partnership, corporation or other entity~~ who (~~which~~) controls a security alarm system at an security alarm site; who is named on the alarm registration; and who is financially responsible for the operation of an alarm system. ~~As used in the Chapter,~~ The term "alarm user" may mean more than one person, if more than one person is listed on the registration and has accepted financial responsibility for operation of an alarm system.

IH. Burglary alarm (~~also property/intrusion alarm~~) means an security alarm system that is used to detect and report unauthorized entry or attempted unauthorized entry upon real property. Burglary alarm is synonymous with "property alarm" and "intrusion alarm."

JJ. Call-up dialer alarm means a security device that is designed to evoke a police response by transmitting a pre-recorded, unverified signal or message to the police E911 system or to any other police telephone.

KJ. Chief of Police means the Chief of Police of the City of Olympia or the Chief of Police's his/her designee.

~~KK.~~ City means the City of Olympia ~~and/or the area within the incorporated municipal boundaries of the City of Olympia.~~

~~ML.~~ Control number means the unique number assigned to each licensed security alarm monitoring business by the Alarm Administrator that is used to validate alarm dispatch requests.

~~NM.~~ Department means the Olympia Police Department.

~~O.~~ Duress alarm. See robbery alarm.

~~PN.~~ False alarm response means response to an alarm dispatch request by an officer of the Department where, in the opinion of that officer, no evidence of the commission or attempted commission of a crime is present that can be reasonably attributed to the alarm activation. A false alarm response ~~is also deemed to have occurred also occurs~~ when the responding officer is unable to determine if evidence of a criminal offense or attempted criminal offense is present because the security alarm site is inaccessible (e.g., where the security alarm site is located within a locked structure - such as an apartment building or business complex with a common entry - or is located behind a locked gate and no person is present to provide access to the officer; or where the security alarm site contains a dog and no person is present to remove the dog so the officer can inspect the site; or where the security alarm site contains any type of "protective/reactive" alarm system device or contrivance).

~~Q.~~ Holdup alarm. See robbery alarm.

~~R.~~ Intrusion alarm. See burglary alarm.

~~SO.~~ Monitoring means the process an security alarm monitoring business uses to keep watch on security alarm systems; to receive alarm activation signals from security alarm systems; to verify alarm activations; to relay alarm dispatch requests to ~~the Department TCOMM~~ for the purpose of summoning police response to an security alarm site; and to cancel alarm dispatch requests (when appropriate).

~~FP.~~ Multi-unit complex means any building or group of buildings located ~~/ or~~ co-located on the same real property and ~~comprised of~~ including two or more separately occupied units.

~~UQ.~~ One-plus duress alarm means a security alarm system ~~which that~~ permits the manual activation of an alarm signal by entering on a keypad a code that either adds the value of 1 to the last digit of a normal arm/disarm code (e.g., the normal arm/disarm code "1234," if entered as "1235" automatically activates the duress alarm feature) or that involves entering any incorrect final digit to a normal arm/disarm code (e.g., the normal arm/disarm code "1234" is entered as "123X" - where X is not 4 - automatically activates the duress alarm feature).

~~V.~~ Panic alarm. See robbery alarm.

~~WR.~~ Person, for purposes of this Chapter, means an individual; and a corporation, limited liability company, partnership, association, organization, or similar entity.

~~X.~~ Property alarm. See burglary alarm.

~~YS.~~ Protective/reactive alarm system means an alarm system that is rigged to produce a temporary disability or sensory deprivation through use of chemical, electrical, or sonic defense, or by any other means, including use of vision obscuring ~~or~~ disabling devices.

~~ZI.~~ Revoke (revocation) ~~for purposes of this Chapter~~ means the permanent loss (for an alarm user) of the privileges associated with the registering a security alarm system in the City of Olympia.

~~AAU.~~ Robbery alarm ~~(also duress alarm, hold-up alarm or panic alarm)~~ means an component of a security alarm system consisting of an alarm signal generated by the manual or automatic activation of a device, or any system, device, or mechanism on or near the premises intended to signal that a robbery ~~(refer to as defined by RCW 9A.56.190)~~ or other crime is in progress, and that one or more persons are in need of immediate police assistance in order to avoid injury, serious bodily harm, or death at the hands of the perpetrator of the robbery or other crime. "Robbery alarm" is synonymous with "duress alarm," "hold-up alarm," and "panic alarm."

~~BBV.~~ Security alarm monitoring business means any person ~~(as defined in this section), firm or corporation who who~~ is engaged in the monitoring of security alarm systems and the summoning of police response to activations thereof, including units or divisions of larger businesses or organizations that provide proprietary security alarm monitoring services only to affiliates of the parent business or organization. ~~This includes both businesses that are engaged in alarm monitoring for profit and businesses that have specialized units or subsidiaries that monitor only their own alarm systems.~~

~~CCW.~~ Subscriber means an alarm user who is a customer of an security alarm monitoring company/business.

~~DDX.~~ Suspend (suspension) ~~for purposes of this Chapter~~ means the temporary loss (for an alarm user) of the privileges associated with the registration of a security alarm system in the City of Olympia.

~~EEY.~~ TCCOM means Thurston County Communications, the regional 911 and dispatch center.

~~Z.~~ Unmonitored alarm system means an security alarm system (see G) that is not actively monitored by an security alarm monitoring business and whose the function of which it is to evoke police response solely by means of a generally audible ~~and/or~~ visible signal.

~~FFAA.~~ Verified response (independent reporting) means a police response that is based on information received from a person physically present at a location (e.g., an security alarm site) or from real-time audio or video surveillance positively verifying that there is evidence either of a crime or an attempted crime at the location.

16.46.020 Administration and funding

- A. Responsibility for administration of this Chapter is vested with the Chief of Police.
- B. The Chief of Police designates an Alarm Administrator to carry out the duties and functions described in this Chapter.
- C. The Chief of Police designates one or more persons to serve as Alarm Appeals Officer(s) to carry out the duties and functions related to appeals described in this Chapter.
- D. Monies generated by false alarm service fees and registration fees assessed pursuant to this Chapter and OMC Chapter 5.55 shall must be dedicated for use by the Department directly for administration of the alarm program and for recovery of general police services lost to false alarm response.
- E. The Alarm Administrator shall conducts an annual evaluation and analysis of the effectiveness of this Chapter and identifies and implements system improvements, as warranted.

16.46.030 Security Alarm alarm sites must be registered

- A. Police response to ~~private~~ security alarm sites in the City of Olympia, except as specified in ~~section OMC~~ 16.46.050, is a privilege available only to those alarm users who have security alarm systems registered with the City.
- B. No security alarm monitoring business providing monitoring service to security alarm sites in the City of Olympia ~~shall may~~ activate security alarm monitoring service or initiate alarm dispatch requests ~~relative to~~ for any security alarm site in the City that is not ~~properly~~ registered.

16.46.031 Registration terms and fees

- A. Security Alarm alarm registration is valid for one year from the date of registration.
- B. Security Alarm alarm registration is issued to a person or persons (the "alarm user") having bona fide ownership or control of an security alarm site (i.e., home owner, business owner, renter, leaseholder, etc.) and is issued specifically for that security alarm site. Security Alarm alarm registration remains in the name(s) of the alarm user(s) of record until a change of ownership or control of the security alarm site occurs.
- C. Security Alarm alarm registration is attached to both the alarm user and the security alarm site and is not transferable. A new security alarm registration must be issued whenever there is a change of ownership or control of an security alarm site.
- D. The initial registration application and required fees may be submitted to the Alarm Administrator (or designee) at any time.

E. ~~The alarm user shall provide verification~~ Verification of the alarm user's receipt of the disclosure statement required in ~~OMC Section section~~ section 5.55.070 of this Code shall be provided to the Alarm Administrator, along with the initial registration application. Receipt of such verification is a precondition of registration.

F. ~~The Alarm Administrator may determine required r~~Registration information is determined by the Alarm Administrator and ~~which shall must~~ include, but not be limited to the following:

1. The name and address of the alarm user (i.e., the person financially responsible for operation of the alarm system being registered);
2. The home and business telephone number of the alarm user;
3. The name, address, and telephone number of the security alarm monitoring business providing monitoring service to the system;
4. An alternate telephone number for verification (cell phone or other telephone designated by the alarm user);
5. The signature of the alarm user verifying that ~~he/she/they~~ the alarm user has read and understood understands the City of Olympia public disclosure statement and agrees to pay the service fees associated with false alarms.

EG. On receipt of the application, fees, and verification of receipt of the disclosure statement, the Alarm Administrator (or designee) shall issue a security alarm registration number to the alarm user. ~~A registration sticker may also be issued.~~

FH. The security alarm registration number assigned to an alarm user remains the same for as long as the alarm user continuously maintains registration for the security alarm site.

GI. Registration may be renewed under the following conditions:

1. The security alarm site has no past due service fees.
2. The security alarm site's registration is not suspended for excessive false alarms.
3. The security alarm site's registration is not revoked.
4. The alarm user either updates ~~his/her~~ registration information or verifies that the current registration information is still correct.
5. The ~~appropriate-applicable~~ annual registration fee is paid.

~~HJ.~~ An alarm user shall submit Renewal-renewal Information and fees shall be submitted to the Alarm Administrator (or designee) on or before the initial registration anniversary date each year.

~~IK.~~ Once each year, the The City Manager shall establish rates for security alarm registration fees.

1. Registration fees may be graduated for different groups of users (e.g., residential, commercial, government, etc.)

~~2. Registration fees may be discounted, consistent with City policy.~~

~~32.~~ The established rates shall must assure that the Alarm Administrator position and all other costs related to administration and enforcement of the security alarm ordinance-program are supported entirely by registration fees.

16.46.032 Responsibilities of alarm users

A. Each alarm user is responsible, ~~annually,~~ for annually registering his/her/their the alarm user's security alarm system, paying the registration fee, and providing current registration information.

B. Each alarm user is responsible for assuring that ~~his/her/their the alarm user's security alarm system~~ is used properly and in accordance with the manufacturer's directions and the law. Inherent in this responsibility is assuring that all persons with access to the security alarm system-site are properly trained on correct use of the security alarm system and are authorized to cancel accidental activations, and assuring that procedures and practices are followed that minimize the risk of false alarms.

~~C. Each alarm user is responsible for displaying his/her/their registration sticker, if one is issued, in a location at the main entrance to the alarm site where it is readily visible to a responding officer. Provide the alarm company with the permit number.~~

~~DC.~~ Each alarm user shall Respond-respond or cause a representative to respond to the alarm system's location-site within thirty (30) minutes when notified by City emergency services of an alarm activation.

~~DE.~~ Each alarm user is responsible for shall keeping his/her/their the alarm user's -security alarm system properly maintained and in good working order.

~~EF.~~ Each alarm user is financially responsible shall for paying service fees when police respond to false alarms from his/her/their the alarm user's security alarm site. (See OMC 16.46.120)

~~FG.~~ Failure to meet the responsibilities listed in 16.46.032(A), (B), (C), (D) or (E) through (F) may lead to suspension or revocation of alarm registration and loss of the privileges associated with that registration.

16.46.040 Only licensed security alarm monitoring businesses may initiate alarm dispatch requests

Effective January 1, 2005, and thereafter, ~~the~~ The Department ~~shall~~ will respond only to alarm dispatch requests from security alarm monitoring businesses that possess a valid City of Olympia security alarm license and control number, issued under OMC Chapter 5.55.

16.46.050 Verified response required in certain circumstances

A. ~~Effective January 1, 2005, and thereafter, the~~ The Department ~~shall~~ will respond to the activation of unmonitored security alarm systems; to the activation of security alarm systems monitored by unlicensed security alarm monitoring businesses; to the activation of unregistered security alarm systems; and to the activation of security alarm systems with suspended or revoked registration only if independent reporting indicates that a crime is in progress or has been attempted at the involved security alarm site (i.e., a verified response).

B. No alarm user or security alarm monitoring business ~~shall~~ may presume, anticipate, or expect that a police response will result solely from the activation of any unmonitored security alarm system; the activation of an security alarm system monitored by an unlicensed security alarm monitoring business; the activation of an unregistered security alarm system; or to the activation of an security alarm system with a suspended or revoked registration.

16.46.060 Differentiation and reporting of alarm activations

A. ~~Effective January 1, 2005, and thereafter, n~~ No person ~~shall~~ may operate a security alarm system in the City of Olympia that fails to differentiate burglary/~~property/~~intrusion alarm activations from robbery/~~hold-up/panic/duress~~ alarm activations, or that fails to accurately report such activations independently.

B. ~~Effective January 1, 2005, and thereafter, n~~ No person ~~shall~~ may operate a security alarm system in the City of Olympia that fails to differentiate police incidents (i.e., burglary/~~property/~~intrusion alarm activations ~~and~~, robbery/~~hold-up/panic/duress~~ alarm activations) from fire, medical, or other non-police incidents, or that fails to accurately report such incidents independently.

16.46.070 Alarm dispatch requests

A. Alarm dispatch requests ~~shall~~ must be made in the manner prescribed by the Alarm Administrator and approved by CAPCOMTCOMM.

B. Alarm dispatch requests may be required to include, ~~but are not limited to~~ the following information:

1. The security alarm site registration number;
2. The location of the alarm activation;
3. The type of alarm activation (i.e., burglary/~~property/~~intrusion, robbery/~~panic/hold-up/ duress~~, or roll-over/airbag deployment);-

4. The security alarm monitoring business' incident number (or other official incident identifier);

5. The security alarm monitoring business' assigned control number.

C. Alarm dispatch requests ~~made to the Department (or its designee)~~ shall must be for police incidents only, and shall must accurately indicate the type of alarm activation (i.e., burglary/~~property/intrusion,~~ or robbery/~~hold-up/panic/duress~~) that motivated the alarm dispatch request.

D. Any security alarm monitoring business initiating an alarm dispatch request that would cause an employee of the City to respond to an security alarm site containing a protective/reactive alarm system shall fully inform and caution the CAPCOM-TCOMM dispatcher at the time the initial request is made of the nature of the alarm system and the precautions the responding employee must take to avoid incurring injury or other ill effects from the system.

16.46.0740 Compliance with monitoring standards required

All security alarm monitoring businesses engaged in monitoring security alarm systems in the City of Olympia shall comply with the monitoring standards set forth in OMC section 5.55.060 ~~of this Code~~.

16.46.080 Alarm dispatch request cancellations

A. An alarm dispatch request may be canceled by the security alarm monitoring business initiating the request at any time up to the point at which the responding police officer reports arrival at the security alarm site to the CAPCOM-TCOMM dispatcher.

B. Alarm dispatch requests may be canceled in accordance with the procedures established by the Alarm Administrator and approved by CAPCOM-TCOMM only by the security alarm monitoring business making the original request.

C. Alarm dispatch requests canceled in accordance with the procedures established by the Alarm Administrator and approved by CAPCOM-TCOMM are not subject to false alarm service fees.

16.46.090 Prohibited devices

A. ~~Effective January 1, 2005, and thereafter, n~~No person shall may operate a security alarm system in the City of Olympia that has a siren, bell, light, or other device audible or visible from any property adjacent to the security alarm site that signals for longer than five (5) consecutive minutes after the alarm is activated, or that repeats the five-minute alarm cycle more than three (3) consecutive times without resetting.

B. ~~Effective January 1, 2005, and thereafter, n~~No person shall may operate a one-plus duress alarm security alarm system in the City of Olympia that is programmed for "one-plus" duress alarms.

C. ~~Effective January 1, 2005, and thereafter, n~~No person shall ~~may~~ operate a security alarm system in a multi-unit complex in the City of Olympia that fails to identify alarm activations by the specific unit involved.

D. ~~Effective January 1, 2005, and thereafter, n~~No person shall ~~may~~ operate a call-up dialer ~~type of security alarm system~~ in the City of Olympia.

16.46.100 Violations

A. The following actions constitute unlawful use of a security alarm system:

1. Any person who activates a security alarm system with the intent to report: a) suspicious circumstances; b) any non-criminal incident; or, c) a need for fire, medical, or other non-police services is guilty of a civil infraction.
2. Any person who violates the provisions of OMC 16.46.060(A) or (B) or 16.46.090(A), (B), (C) or (D) is guilty of a civil infraction.

B. Nothing in this section ~~shall prevent~~ prevents the installation of a single reporting device for both ~~types burglary alarms and robbery alarms and of security alarms,~~ fire alarms and medical alarms, provided that such device complies with OMC 16.46.060 and fire code requirements.

16.46.110 Appropriating public police services for private purposes subject to service fees

A. Causing police to engage in a false alarm response constitutes appropriation of public police services for private purposes and is subject to a service fee.

B. The alarm user is responsible for payment of any service fees.

C. The assessment ~~and/or~~ payment of a service fees under this Chapter does not in any way establish the existence of a contract, real or implied, between the City and an alarm user or between the City and any other party.

D. When, in the opinion of ~~the~~ a responding officer(s), an alarm dispatch request can be reasonably associated with an actual or attempted criminal offense at the involved security alarm site, the alarm is valid and the response is considered a basic police service not subject to any service fees.

E. When, in the opinion of ~~the~~ a responding officer(s), an alarm dispatch request can be reasonably attributed to an earthquake, hurricane, tornado, or other unusually violent act of nature, no service fee ~~shall~~ will be assessed.

F. When, in the opinion of ~~the~~ a responding officer(s), an alarm dispatch request cannot be reasonably attributed to the conditions described in 16.46.110(D) or (E), the incident is a false alarm and the response is considered an appropriation of public police services for private purposes that is subject to a service fees.

G. When ~~the a~~ responding officer(s) is-(are) unable to determine if an alarm is valid or false because of inaccessibility of the security alarm site, the response is presumed to be a false alarm response, and is subject to a service fees. [see OMC 16.46.011(P)]

16.46.120 Fees for appropriating public police services for private purposes

A. The City Manager shall establish service fees for appropriating public police services for private purposes.

1. Separate ~~rates-fees shall must~~ be established for responses to false burglary/~~property/intrusion~~ alarms and ~~to false robbery/hold-up/panic/duress~~ alarms.
2. The established ~~rates-fees shall must~~ assure that the full cost of police response to false security alarms is recovered by the City.

B. Service fees are assessed based on the response requested, regardless of the nature of the actual incident. An alarm dispatch request reporting a robbery alarm, for example, is subject to the false alarm penalty fee applicable to robbery false alarm responses, even if the alarm activation should properly have been reported as a burglary alarm.

16.46.130 Authorization to issue citations and assess service fees

A. The Chief of Police shall grant ~~The the~~ Alarm Administrator ~~is granted a special commission by the Chief of Police~~ to issue citations pursuant to this Chapter.

B. The Alarm Administrator is hereby authorized ~~by the City Council~~ to assess service fees pursuant to 16.46.120.

16.46.140 Fee processing

A. Security Alarm-alarm monitoring businesses ~~contracting with customers to provide monitoring services (or their agents)~~ shall assure that alarm users of security alarm sites ~~customers residing in the City~~ complete initial registration forms and remit the required registration fee to the City (or its designee) prior to activation of monitoring service.

B. The City may contract with a private vendor to process and bill service fees and registration fees.

C. All fees are due and payable on receipt of invoice. Fees that are unpaid thirty (30) days or more after the date of invoice are considered past due for purposes of this Chapter.

D. A late fee of \$10 ~~or 10% of the outstanding balance, whichever is greater,~~ may be imposed on past due accounts to cover the cost of processing and collection.

16.46.150 Suspension and revocation of registration

A. ~~The Alarm Administrator shall suspend the alarm registration of Any any alarm user having more than three (3) false alarm responses in any calendar year one year period. Such suspension shall, begins on the event of the fourth such incident, have his/her/their alarm registration suspended for and runs for~~ ninety (90) days or the balance of the year for which the registration is valid, whichever is greater longer.

B. ~~The Alarm Administrator shall suspend the alarm registration of Any any alarm user having alarm service fees past due on January 1st of any year. Such suspension shall have his/her/their registration suspended from~~begins the first business day following January 1st and runs until all outstanding fees have been paid in full.

C. ~~The Alarm Administrator shall revoke the alarm registration of Any any alarm user having three (3) suspensions in any five (5) year period. Such revocation shall, is effective- on the event of the third suspension, have his/her/their alarm registration revoked.~~

D. Furnishing false information on an alarm registration application is prohibited.

1. On the first offense, the Alarm Administrator shall suspend the alarm user's registration for thirty (30) days.

2. On the second offense, the Alarm Administrator shall revoke the alarm user's registration.

E. The Alarm Administrator shall notify an alarm user of a registration suspension or revocation involving that alarm user. Such notification must include a description of the basis for the suspension or revocation, the suspension starting and ending dates (when applicable) or revocation starting date (when applicable), and a description of appeal options and processes.

16.46.160 False alarm awareness classes

A. ~~The Alarm Administrator shall conduct a false alarm awareness class no less than twice each calendar year.~~

B. One time per security alarm site, an alarm user may Completion complete of the a false alarm awareness class conducted by the Alarm Administrator ~~by an alarm user (i.e., the person responsible for operation of a registered alarm system) may serve in lieu of a registration suspension one time per registered alarm site.~~

16.46.170 Appeals

A. An alarm user may appeal Service the imposition of service fees, or a registration suspension or revocation, may be appealed to the Alarm Appeals Officer, as follows:

1. An alarm user initiates The the appeal process is initiated by the alarm user by sending an appeal request, in the form of a letter to the Alarm Appeals Officer, requesting an appeal conference and specifying the reasons for the appeal. This letter appeal request must be received by the Alarm Appeals

Officer within ten (10) working business days after receipt of the service fee invoice or receipt of the notice of registration suspension or revocation.

2. Imposition of a sService fees may be appealed only on the grounds that the incident cited as the basis for the imposition of a service fee was, in fact, not a false alarm response. The alarm user must, in his/her the letter requesting an appeal appeal request, describe credible evidence in his/her possession that he/she can present to the Alarm Appeals Officer that supports the contention that the involved incident was a valid alarm, as described in 16.46.110(D).

3. Circumstances that are not grounds for appeal under this Chapter include, but are not limited to, the following:

- a. Instances involving accidental or unintentional alarm activation.
- b. Instances involving lack of knowledge of system operation or lack of training on system use.
- c. Instances involving "extenuating circumstances."

4. In an instances in which an allegedly inappropriate action by an security alarm monitoring business (such as making an alarm dispatch request in error, failing to properly adjust and/or test alarm equipment, or failing to properly cancel an alarm dispatch request) results in a service fee being imposed on an alarm user, the following rules apply:

a. Imposition of a Service ~~service~~ fees resulting from such instances ~~are a security alarm monitoring business error~~ is not subject to appeal under this Chapter. Alarm users must seek redress for fees imposed in such situations from the security alarm monitoring business, not the City.

b. An alarm user may appeal the determination that an incident was a false alarm for the purpose of establishing that the F false alarm incidents was caused by a security alarm monitoring business error ~~may be appealed under this Chapter for the purpose of averting registration suspension.~~

~~e. —If an Alarm~~ alarm users who, ~~on appeals,~~ under this subsection demonstrates to the satisfaction of the Alarm Appeals Officer, based on credible evidence, that a false alarm incident was attributable caused solely to by an alarm business error, such ~~shall not have that false alarm~~ incident will not apply toward or be the cause of a registration suspension.

5. The Alarm Appeals Officer may reject, without further process, an appeal ~~requests for appeals~~ that ~~are is~~ not supported by credible evidence ~~from the appellant.~~ The Alarm Appeals Officer shall send Notice written notice of rejection of an appeal ~~request for appeal~~ shall be sent to the appellant in writing

within five (5) workingbusiness days following receipt of the appeal request by the Alarm Appeals Officer.

6. The filing of an appeal request ~~for an appeal conference with an Alarm Appeals Officer sets aside~~ stays any pending service fee or related service suspension or /revocation until the Alarm Appeals Officer either rejects the appeal request, as described in 16.46.170(A)(~~15~~), or renders a final decision.

7. The Alarm Appeals Officer, ~~on receipt of an appeal request,~~ shall conduct an appeal conference at a location within the City in Olympia within fifteen (15) workingbusiness days after receiving the appeal request, ~~and shall determine if grounds exist to waive or cancel the fee or action.~~

8. At the appeal conference, the Alarm Appeals Officer shall consider evidence presented by any interested person(s). ~~Because false alarm responses are based on the professional judgment of the responding officer using the facts known to the officer at the time of the incident, the burden of proof in appeals is on the appellant. The appellant alarm user has the burden to must establish, with based on~~ credible evidence, that facts that existed at the time of the incident, but were not considered by the officer, ~~existed at the time of the incident leads~~ to the reasonable conclusion that the incident ~~involved~~ was a valid alarm, as described in 16.46.110(D). The Alarm Appeals Officer shall make ~~his/her~~ the appeal decision based on the presence of such facts and conclusion.

9. The Alarm Appeals Officer shall ~~render issue a written appeal decision and shall notify provide the~~ appellant alarm user and the Alarm Administrator ~~thereof a copy of the decision in writing within ten~~ (10) workingbusiness days after the appeal conference is ~~held~~ completed. The Alarm Appeals Officer may affirm, waive, cancel, or modify the ~~penalty service~~ fee or action that is the subject of the appeal.

10. If the Alarm Appeals Officer affirms or modifies the amount of a service fee due, that amount becomes immediately due and payable.

11. Appeal decisions are reviewed and approved or rejected by the Chief of Police prior to becoming official. Once approved by the Chief of Police, ~~The official~~ the decision of the Alarm Appeals Officer is final, and no further appeals or remedies are available, except as provided by law.

B. Violations that are civil infractions or misdemeanors under this Chapter are subject to the due process provisions of law available through the Olympia Municipal Court.

16.46.171 Authority of Alarm Appeal Officer

The following cases ~~shall beare~~ within the jurisdiction of the Alarm Appeals Officer under ~~the terms and~~ procedures of this Chapter.

A. Any and all false alarm appeals governed by this chapter.

B. Alarm registration revocation and/or suspension of any system located within the City of Olympia or its jurisdiction governed by this Chapter. Administration of service fees and/or fines related to or applicable to any security alarm system authorized by this Chapter.

C. Any and all other administrative alarm appeals as they may pertain to security alarm systems located within the City of Olympia, including appeals as set forth in ~~section OMC 5.55.090 of this Code.~~

16.46.172 Alarm Appeals Officer selection

~~The Chief of Police shall select~~ The the Alarm Appeals Officer shall be selected by the Chief of Police. The Alarm Appeals Officer may be retained on a professional service contract for a term and on conditions determined appropriate by the Chief of Police. Such contract may provide that the Alarm Appeals Officer may retain the services of masters to hold hearings as are needed to render aid and advice regarding technical or specialized issues that may be presented to the Alarm Appeals Officer. Such contract may also provide for Alarm Appeals Officers pro tem to serve in the absence of the Alarm Appeals Officer on such terms and conditions deemed appropriate by the Chief of Police.

16.46.173 Qualification and removal

~~The Chief of Police shall appoint~~ Alarm Appeals Officers shall be appointed solely with regard to based on their qualifications for the duties of their office and will have such training and experience as will qualify them to conduct administrative or quasi-judicial hearings on regulatory enactments and to discharge the other functions conferred upon them. The Alarm Appeals Officer ~~shall may~~ hold no other elective or appointive office or position with the City of Olympia. The Alarm Appeals Officer may be removed from office for cause by the Chief of Police.

16.46.174 Improper influence, conflict of interest, and appearance of fairness

A. No City official, elective or appointive, ~~shall may~~ attempt to influence the Alarm Appeals Officer in any matter officially before ~~him/her~~ the Alarm Appeals Officer so as to constitute misconduct of a public office under RCW 42.20 or a violation of the Appearance of Fairness Doctrine.

B. The Alarm Appeals Officer ~~shall may~~ conduct all proceedings in a manner to avoid conflicts of interest or other misconduct and to avoid violations of the Appearance of Fairness Doctrine. If such conflicts or violations cannot be avoided in a particular case, the Alarm Appeals Officer shall assign an Alarm Appeals Officer pro tem to act in ~~his/her~~ the Alarm Appeals Officer's absence.

16.46.175 Organization, rules

A. The Office of the Alarm Appeals Officer ~~shall be~~ is under the administrative supervision of the Alarm Appeals Officer and ~~shall must~~ be separate from the Olympia Police Department.

B. The Alarm Appeals Officer ~~shall be~~ empowered to adopt rules for the scheduling and conduct of hearings and other procedural matters related to the duties of ~~his/her the~~ office. Such rules may provide for cross examination of witnesses. Further, such rules ~~shall~~ must provide for recording of the proceedings and for compliance with the State, Federal, and City laws which may govern such a proceeding.

In rendering a decision, the Alarm Appeals Officer is hereby authorized to take judicial notice of all duly-adopted rules, ordinances, standards, plans, regulations, and policies of the ~~City of Olympia~~ and other public agencies.

16.46.180 Exceptions

The provisions of this Chapter ~~shall do not~~ apply to temporary alarm systems used by the Department or other public law enforcement agencies for investigative or protective purposes (e.g., VARDA, WAVE, or similar systems).

16.46.181 Special rules applicable to public schools

A. Public schools are subject to the following special rules:

1. Security Alarm monitoring companies are exempt from making verification telephone calls, as required in OMC 5.55.060(A), to public school sites between the hours of 11:00 PM and 6:00 AM, and all day on Saturdays, Sundays, and school holidays.
2. Public schools are subject to the following service fee structure:
 - a. Public schools are subject to annual registration rules, but are exempt from paying the annual registration fees applicable to government facilities, as described in OMC 16.46.031.
 - b. No fee is charged for the first false alarm in any calendar year.
 - c. The fee for the second false alarm in any calendar year is waived, provided the site administrator (or designee) attends the next available false alarm awareness class;
 - d. The third and all subsequent false alarms in any calendar year are charged at the standard service fee rate.
3. Public schools sites are exempt from registration suspension or revocation.

B. To qualify for special rules and exemptions under this Section, an security alarm site must meet the following criteria:

1. The site is located within the ~~municipal boundaries of the City of Olympia~~ limits; and

2. The site is a public school serving children in one or more of grades K-12, owned and operated by Olympia School District 111; or

3. The site is a public school site serving children in one or more of grades K-12, owned and operated by Educational Service District 113.

C. The Alarm Administrator may make any other special rules and exceptions as are deemed necessary to assure that appropriate protection and accountability is maintained at public schools.

Section 3. Corrections. The City Clerk and codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance, including the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers and any references thereto.

Section 4. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the remainder of the Ordinance or application of the provisions to other persons or circumstances shall remain unaffected.

Section 5. Ratification. Any act consistent with the authority and prior to the effective date of this Ordinance is hereby ratified and affirmed.

Section 6. Effective Date. This Ordinance shall take effect thirty (30) days after publication, as provided by law.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:



DEPUTY CITY ATTORNEY

PASSED:

APPROVED:

PUBLISHED: