
Council Bill Number: 115351

Ordinance Number: 121932

AN ORDINANCE relating to alarm systems and fire alarm systems; adding new definitions and revising existing definitions; establishing primary billing responsibility guidelines for licensing fee components; modifying penalty provisions; establishing false alarm parameters; adding criminal penalties; establishing a revised fee structure; adding an exemption from licensing fees for federal and state governmental entities that respond to their own alarms; extending the due date for false alarm fees and penalty provisions; amending false alarm waiver provisions; amending fire alarm monitoring licensing fee component; adding sections 6.10.025, 6.10.035, 6.10.120, 6.10.130 and 6.10.235 relating to billing procedures for change of subscriber location and change of monitoring company; and amending Sections 6.10.005, 6.10.010, 6.10.015, 6.10.020, 6.10.030, 6.10.040, 6.10.050, 6.10.080, 6.10.100, 6.10.110, 6.10.205, 6.10.210, 6.10.215, 6.10.220, 6.10.230, 6.68.010, 10.08.140, 10.08.165, and 10.08.168, respectively, of the Seattle Municipal Code.

Status: Passed

Note: Amgen Rezone

Vote: 9-0

Date filed with the City Clerk: 2005/10/03

Date of Mayor's signature: 2005/09/27 ([about the signature date](#))

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Committee: Public Safety, Civil Rights & Arts

Sponsor: LICATA

Committee Recommendation: Pass

Index Terms: FEES, LICENSES, BURGLAR-ALARMS, FIRE-ALARMS, POLICE, BUDGET, PUBLIC-REGULATIONS, BUSINESS-ENTERPRISES, ADMINISTRATIVE-PROCEDURES

Fiscal Note: [Fiscal Note to Council Bill No. 115351](#)

Electronic Copy: [PDF scan of Ordinance No. 121932](#)

Reference: Second Quarter 2005 Salary Ordinance

Text:

AN ORDINANCE relating to alarm systems and fire alarm systems; adding new definitions and revising existing definitions; establishing primary billing responsibility guidelines for licensing fee components; modifying penalty provisions; establishing false alarm parameters; adding criminal penalties; establishing a revised fee structure; adding an exemption from licensing fees for federal and state governmental entities that respond to their own alarms; extending the due date for false alarm fees and penalty provisions; amending false alarm waiver provisions; amending fire alarm monitoring licensing fee component; adding sections 6.10.025, 6.10.035, 6.10.120, 6.10.130 and 6.10.235 relating to billing procedures for change of subscriber location and change of monitoring company; and amending Sections 6.10.005, 6.10.010, 6.10.015, 6.10.020, 6.10.030, 6.10.040, 6.10.050, 6.10.080, 6.10.100, 6.10.110, 6.10.205, 6.10.210, 6.10.215, 6.10.220, 6.10.230, 6.68.010, 10.08.140, 10.08.165, and 10.08.168, respectively, of the Seattle Municipal Code.

WHEREAS, costs associated with responding to false monitored burglar alarms create a burden on the Seattle Police Department and impair the Department's ability to provide optimum police protection and services to the people of the City of Seattle; and

WHEREAS, it is necessary to regulate monitored burglar alarms to alleviate the burden of the costs associated with false alarms and to ensure the ability of the Seattle Police Department to provide police protection and services to the citizens of the City of Seattle; and

WHEREAS, it is in the best interest of the health, safety and welfare of the people of the City of Seattle that the costs associated with regulating monitored burglar alarms be collected by the City in the form of a license fee to cover the costs of administering such regulations; and

WHEREAS, it is in the best interest of the health, safety and welfare of the people of the City of Seattle that regulation include compensation for the costs to the City of responding to false alarms and that false alarms be discouraged by imposing a penalty for each false alarm on any person engaged in the business of monitoring burglar alarms; and

WHEREAS, it is fair and equitable for persons who are engaged in the business of monitoring burglar alarms to pay regulatory fees including license fees and false alarm penalties to defray the costs of responding to false burglar alarms; and

WHEREAS, fire alarms contribute to the preservation of the health, safety and welfare of the people of the City of Seattle; and

WHEREAS, buildings that require fire alarms under the Fire Code constitute a greater risk to the health, safety and welfare of the public than buildings that do not require alarms under the code, and such required fire alarms are imperative to the health, safety and welfare of the people of the City of Seattle; and

WHEREAS, the costs associated with responding to false fire alarms impose a burden on the Seattle Fire Department and impair the ability of the Fire Department to provide optimum fire protection to the people of the City of Seattle; and

WHEREAS, it is necessary to regulate fire alarms to ensure the ability of the Seattle Fire Department to provide fire protection to the citizens of the City of Seattle; and

WHEREAS, it would be detrimental to the health, safety and welfare of the general public to discourage the sending of a fire alarm by imposing a penalty for a false alarm; and

WHEREAS, since implementing Ordinance No. 121332 on January 1, 2004, the City, in discussions with the alarm industry, has identified elements of the ordinance that need to be revised; and

WHEREAS, there is a need to identify the monitoring entity that is primarily responsible for the payment of certain fees where more than one monitoring entity provides alarm monitoring services to any one location; and

WHEREAS, in order to align City costs and the burdens associated with false alarms, with alarm fees charged, while encouraging the reduction of the number of false property alarms, the City has recognized the need to adjust the fee schedule for property alarms; and

WHEREAS, the City desires to allow additional time for payment of false alarm fees and for responding to false alarm appeals; and

WHEREAS, the fee payment responsibilities need to be established when an alarm subscriber moves within the City, or changes alarm monitoring companies;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Section 6.10.005 of the Seattle Municipal Code is hereby amended as follows:

6.10.005 Definitions.

~~A. The following definitions as well as F~~ the definitions contained in Chapters 5.30 and 10.08 of the Seattle Municipal Code shall be fully applicable to this ~~e~~C hapter 6.10 in its entirety, except as expressly stated to the contrary herein.

~~A.~~ "Alarm site" means the location at which a subscriber's alarm system is installed.

~~B. "Alarm system monitoring company," "burglary alarm," "panic alarm," "property alarm," and "robbery alarm" have the meanings contained in SMC Chapter 10.08.~~

~~C.~~ B. "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 an alarm system 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~~. An alarm system or alarm device 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 which, in turn, is connected to or reports to an alarm system monitoring company via telephonic, wireless, electronic, video, or other form of message. For purposes of this chapter, a system, device, or mechanism primarily

protecting a motor vehicle, or one designed to communicate a medical emergency, including but not limited to a panic alarm button or similar device, is not considered to be an alarm system or alarm device.

C. "Alarm system monitoring company," means any individual, partnership, corporation, or other form of association that engages in the business of monitoring property, burglary, or robbery alarm systems and shall include self-monitored alarm businesses, as defined herein. For purposes of this chapter, alarm system monitoring companies include those dealers and installers who contract with a property owner, subscriber, or customer, to perform alarm system monitoring services and then subcontract with another alarm system monitoring company to provide the actual monitoring service.

D. "Department" means the Department of Executive Administration of the City of Seattle.

E. "False Alarm" means the notification to the Seattle Police Department or Seattle Fire Department concerning the activation of an alarm system or alarm device when:

1. There is no evidence of a crime or other activity that warrants the assistance of the Seattle Police Department on the premises, as indicated by the investigation of a police officer on the scene or by the lack of a police report filed by the property owner, and no individual who was on or near the premises or who had viewed a video communication from the premises called for the dispatch or confirmed a need for police response; or

2. There is no indication or presence of a fire on the premises, that warrants a call for assistance from or investigation by the Seattle Fire Department, and no individual who was on or near the premises or who had viewed a video communication from the premises called for the dispatch or confirmed a need for fire response; or

3. The dispatch of police or fire personnel was cancelled by the alarm system monitoring company, whether the alarm was cancelled before or after the arrival of police or fire personnel at the alarm site.

F. "Monitoring" means the process by which an alarm system monitoring company receives signals from an alarm system or alarm device.

G. "Self-monitored alarm business" means any person required to obtain a Seattle business license pursuant to SMC Section 5.55.030 which elects to internally monitor its own alarm systems or alarm devices and monitors three (3) or more alarm systems or business locations located within the City limits.

H. "Subscriber" means a person having or maintaining an alarm system or alarm device where such system is connected to or in communication with an alarm system monitoring company.

Section 2. Section 6.10.010 of the Seattle Municipal Code is hereby amended as follows:

6.10.010 Alarm System Monitoring Companies--License required-- ~~Fee--~~Identification.

A. It is unlawful for any person to engage in business in the City of Seattle as an alarm system monitoring company without first having obtained an annual license to do so. An annual license is required regardless of whether alarms are monitored from a location inside or outside Seattle. ~~The fee for such annual license is based upon two components: (1) the following aggregate amount:~~

B. The fee for such annual license is based upon two components:

1. The following aggregate amount:

Zero to 100 Seattle monitored alarms systems .. \$100.00 per annum;

101 to 200 Seattle monitored alarms systems \$200.00 per annum;

201 to 500 Seattle monitored alarms systems \$400.00 per annum;

Over 500 Seattle monitored alarms systems \$500.00 per annum; and ~~(2) Forty~~

2. Ten Dollars ~~(\$40)~~ (\$10.00) per year for each property alarm, burglary alarm, robbery alarm and panic alarm located in Seattle and monitored by the alarm system monitoring company at any time during the calendar year.

C. When more than one alarm system monitoring company provides alarm system monitoring service to any one location, all such companies shall be jointly and severally liable for payment of all fees under subsection B, provided, however that:

1. It shall be the primary responsibility of the alarm system monitoring company actually providing the twenty-four (24) hour monitoring service, pursuant to a written contract between the alarm system monitoring companies, to pay the license fee component set forth in subsection B1; and

2. The alarm system monitoring company that maintains the service contract directly with the subscriber is primarily responsible for the license fee component set forth in subsection B2.

E. The Department will issue a permit number to each alarm system monitoring company licensed under this chapter and such number shall be provided on the company's business license. The Seattle Police Department shall reference this number as their Unique Identifying Number (UIN). All persons licensed pursuant to this chapter shall supply the Seattle Police Department personnel with their permit number/UIN at the time an alarm is called in to the Seattle Police Department.

~~B-E.~~ The license required pursuant to this chapter is separate from and in addition to any license required by any other chapter of the Seattle Municipal Code including, but not limited to, that required pursuant to Chapter 5.45, Business License Tax; Chapter 5.55, General Administrative Provisions; and Chapter 6.08, pertaining to burglar alarms installers.

Section 3. Section 6.10.015 of the Seattle Municipal Code is hereby amended as follows:

6.10.015 Annual license and due date.

A. The annual license renewal fee shall be payable ~~in advance by the~~ an alarm system monitoring company on a calendar year basis ~~, except in 2004, where the annual license fee shall be due by April 1.~~ Licenses expire on December 31 in the calendar year in which they were issued and must be renewed and payment due by January 31 of the next year in order to avoid penalty.

B. Application for, and renewal of, the annual license shall be on forms specified by the Director and shall be accompanied by the license fee. Each annual application for, or renewal of, a license shall contain a list of all addresses at which monitored alarm systems are installed, the name of the corresponding subscriber, customer number, if applicable, and the number of alarm systems at such address.

Section 4. Section 6.10.020 of the Seattle Municipal Code is hereby amended as follows:

6.10.020 Calculation of fees.

A. ~~For N~~new alarm system monitoring companies, ~~will pay~~ the fee contained in SMC Section 6.10.010 ~~A-(1) B1,~~ which shall be computed on the number of alarm systems monitored at the time of initial application.

B. The license fee component contained in SMC Section 6.10.010 ~~A-(1) B1~~ shall not be adjusted quarterly for the number of alarm systems monitored each quarter ~~, however the fee shall be prorated on a quarterly basis at the time of initial application.~~

C. The license fee component contained in SMC Section 6.10.010 ~~A-(2) B2~~ shall be adjusted quarterly to reflect additional alarm systems first monitored during that quarter. Each alarm system monitoring company shall file quarterly, in the format specified by the Director, a list of all additional addresses at which it monitored alarms during such quarter, the name of the corresponding subscriber, and the number and types of alarms at such address. The quarterly report should also list the above information for alarm systems that have been discontinued or, if known, transferred to another alarm system monitoring company. The quarterly report shall be accompanied by payment of the additional ~~forty dollar (\$40.00)~~ Ten Dollars (\$10.00) per alarm system fee due, if any. See proration calculations in SMC Section 6.10.030 below. ~~The quarterly report should also list alarm systems that have been discontinued or, if known, transferred to another alarm monitoring company.~~

D. Each alarm system monitoring company shall file a quarterly report regardless of whether there have been any subscription changes or if any additional fees are due.

Section 5. Section 6.10.025 of the Seattle Municipal Code is hereby added as follows:

6.10.025 Exemption.

The Federal Government, its departments and institutions, the State of Washington, its departments or institutions, who respond to its own alarm systems with commissioned officers employed directly by such entities, shall be exempt from the alarm system monitoring business license fees established by SMC Section 6.10.010.

Section 6. Section 6.10.030 of the Seattle Municipal Code is hereby amended as follows:

6.10.030 License fee proration.

A. In calculating the license fee component contained in SMC Section 6.10.010 ~~A-(1) B1,~~ only the initial license fee will be prorated on a quarterly basis for applications made after the first quarter.

B. The license fee component contained in SMC Section 6.10.010 ~~A-(2) B2~~ will be prorated in equal amounts on a quarterly basis for alarm systems that begin to be monitored after the first quarter. ~~A credit will be given for the prorated portion of the license fee contained in SMC 6.10.010 A-(2) paid by another alarm monitoring company for the present year on an alarm system that is transferred from one company to another alarm monitoring company; provided~~

~~that satisfactory proof that the license fee component contained in SMC 6.10.010 A (2) has been paid is supplied to the Director.~~

Section 7. Section 6.10.035 of the Seattle Municipal Code is hereby added as follows:

6.10.035 Change of subscriber location or monitoring company.

A. An alarm system monitoring company shall not owe an additional licensing fee for any license fee that has been already paid under SMC Section 6.310.010 B2, when a subscriber moves their alarm site to another location within the City of Seattle; provided that, the alarm system monitoring company must provide the Director with information regarding the alarm site which has been moved, including but not limited to, the previous and new addresses of the alarm site and satisfactory proof of payment of the licensing fee component contained in SMC Section 6.10.010 B2. Such information must be provided in the next quarterly report due after the movement of the alarm site.

B. A credit will be given for the prorated portion of the license fee contained in SMC Section 6.10.010 B2 paid by another alarm monitoring company for the present year on an alarm system that is transferred from one company to another alarm system monitoring company; provided that, satisfactory proof that the license fee component contained in SMC Section 6.10.010 B2 has been paid and is supplied to the Director.

Section 8. Section 6.10.040 of the Seattle Municipal Code is hereby amended as follows:

6.10.040 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, including, without limitation, SMC Chapter 10.08. The failure of any licensee to do so shall be a violation of this chapter and grounds to suspend or revoke the license.

B. No licensee granted a license under this chapter shall allow any person who has had their alarm monitoring license revoked or suspended by the City of Seattle to ~~be financially interested~~ have a financial or ownership interest in its business, or to be in its employ, within one year from the date of such revocation or suspension.

Section 9. Section 6.10.050 of the Seattle Municipal Code is hereby amended as follows:

6.10.050 Licenses not transferable.

No license issued pursuant to this chapter shall be transferable unless in accordance with SMC Chapter 6.02. A person not previously licensed that assumes responsibility for monitoring alarms for which another person has paid the annual license fee shall obtain a new license for the remainder of the year by paying the license fee component contained in SMC Section 6.10.010 A(+) B1.

Section 10. Section 6.10.080 of the Seattle Municipal Code is hereby amended as follows:

6.10.080 Penalty and interest for failure to pay.

A. If a license application, renewal, quarterly report, or payment of any fee due under this chapter ~~is not received on or before the last day of the month in which it becomes due or within an extension of time granted by the Director is received between one (1) and thirty (30) days after the date the fee becomes due~~, there shall be added to the amount due a penalty of ten percent (10%) of the fees owing or Twenty Dollars (\$20), whichever is greater, ~~if the payment is received between one (1) and thirty (30) days after the date it becomes due, or~~ If the payment is received more than thirty (30) days after the date it becomes due, there will be added to the amount due a penalty of twenty percent (20%) of the fees owing or Thirty Dollars (\$30), whichever is greater ; if the payment is later than thirty (30) days after the due date.

B. The licensee shall be notified by mail, or electronically as has been previously agreed upon between the Department

and the alarm system monitoring company, of the amount of any penalties so added, and the same shall become due and shall be paid within ten (10) days from the date of such notice.

C. Any fee required by this chapter that is not paid within ninety (90) days after the due date shall be subject to interest and calculated in the same manner as described in SMC Section 5.55.090 B2 pertaining to deficiency tax assessments. Nothing in this subsection shall be construed to deem any fees required under this chapter to be a tax.

Section 11. Section 6.10.100 of the Seattle Municipal Code is hereby amended as follows:

6.10.100 Penalty for false alarms.

A. The sending of an alarm by an ~~automatic property alarm and/or automatic burglary~~ alarm system monitoring company, which results in the dispatch of the police ~~and subsequent arrival by the police at the alarm site to the premises on an emergency basis~~ shall be subject to a false alarm response fee of ~~one hundred twenty-five dollars (\$125.00)~~ Ninety Dollars (\$90.00) whenever there is no evidence of a crime or other activity that would warrant a call for police assistance or investigation at the premises; provided, however, that no false alarm fee shall be assessed if any individual who was on or near the premises, or who had viewed a video communication from the premises, called for the dispatch and confirmed a need for a police response. ~~The false alarm response fee shall be assessed against the alarm system monitoring company.~~

B. In the event that police were dispatched to the premises and such dispatch was subsequently cancelled prior to the police officer(s) arrival at the alarm site, the alarm system monitoring company shall be subject to a false alarm fee of Thirty Dollars (\$30.00).

Section 12. Section 6.10.110 of the Seattle Municipal Code is hereby amended as follows:

6.10.110 Notice and hearing on penalty for false alarms.

A. The Department shall mail by first class mail, ~~or transmit electronically if previously agreed between the Department and the alarm system monitoring company,~~ a written notice of the false alarm response fee to the alarm system monitoring company. The notice shall state the date and time of the false alarm, and that the alarm system monitoring company is entitled to a hearing to respond to the notice and introduce any evidence to refute or mitigate ~~the fee the~~ determination that the false alarm occurred. All false alarm fees are due and payable within ~~thirty (30)~~ sixty (60) days of the date that the Department mails ~~or transmits~~ the notice, unless: (1) an appeal is filed pursuant to subsection B of this section, in which case the fees appealed from are due and payable within ten (10) days after the date of the written ruling, or (2) a waiver is requested and an alarm user class is scheduled pursuant to subsection D of this section.

B. An alarm system monitoring company wanting to contest a false alarm fee shall file a written appeal with the Director within thirty (30) days after the date of the notice. A hearing shall be held by the Director, or the Director's designee, not more than ~~fourteen (14)~~ twenty (20) days from the date the appeal is filed. Within twenty (20) days after the hearing, the Department shall issue a written ruling including factual findings and the Director's conclusion, with supporting reasons, affirming or reversing the notice. The Decision of the Director shall be final.

C. The Director may, but is not required to, delegate authority to conduct hearings under this section to the Seattle Police Department.

D. The Director may waive the first false alarm fee ~~once within an eighty-four (84) month period per alarm site, on a one-time basis,~~ if the owner of the monitored alarm attends an alarm user class as defined in Section 10.08.140 of the Seattle Municipal Code. The owner of the alarm must attend the class within one hundred and twenty (120) ~~90~~ days of the date of the false alarm billing. A current Seattle subscriber that moves to a new address within Seattle shall receive a waiver for the first false alarm at the subscriber's new location if the owner attends a class after moving to the new location within one hundred twenty (120) days of the false alarm, regardless of whether the first time waiver was granted to the subscriber at the subscriber's previous address.

Section 13. Section 6.10.120 of the Seattle Municipal Code is hereby added as follows:

6.10.120 Criminal Conduct.

Unlawful conduct under SMC Sections 6.10.010 or 6.10.210, or the violation of or failure to comply with any provision of this chapter, or any rule or regulation, or final order of the Director or Hearing Examiner made pursuant to this chapter shall be a crime subject to the provisions of the Seattle Criminal Code. Any such crime under this chapter is punishable by a fine of not more than Five Hundred Dollars (\$500.00) or by imprisonment for a term of not more than six (6) months, or both.

Section 14. Section 6.10.130 of the Seattle Municipal Code is hereby added as follows:

6.10.130 Civil Violations.

A. Any unlawful conduct under SMC Sections 6.10.010 or 6.10.210, or the violation of or failure to comply with any provision of this chapter, or any rule or regulation, or final order of the Director or Hearing Examiner made pursuant to this chapter shall be a civil violation punishable by a civil fine or forfeiture not to exceed Five Hundred Dollars (\$500.00).

B. Each day of continued violation or noncompliance constitutes a separate offense.

Section 15. Section 6.10.205 of the Seattle Municipal Code is hereby amended as follows:

6.10.205 Definitions.

Except as otherwise specifically provided in this subchapter, the definitions contained in SMC Section 6.10.005 shall be fully applicable to fire alarm monitoring companies:

A. "Fire alarm monitoring company" means any individual, partnership, corporation, or other form of association that is listed with Underwriters' Laboratories as a "Full Service Company" or "Monitoring Company," and engages in the business of monitoring fire alarm systems located within the eCity of Seattle. For the purposes of this chapter, fire alarm monitoring companies include those dealers and installers who contract with a property owner, subscriber, or customer, to perform fire alarm system monitoring services and then subcontract with another fire alarm monitoring company to provide the actual monitoring service.

B. "Fire alarm system" means a system, or portion of a combination system, that is approved by the Seattle Fire Department and that consists of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals. This definition includes fire protection sprinkler systems, as that term is defined in subsection C of this section, but does not include heat or smoke detectors that are installed in conjunction with property or burglary alarms as defined in SMC Section 10.08.140, and that are not approved by the Seattle Fire Department.

C. "Fire Protection Sprinkler System" means an assembly of underground and/or overhead piping or conduit beginning at the connection to the primary water supply, whether public or private, that conveys water with or without other agents to dispersal openings or devices to extinguish, control, or contain fire and to provide protection from exposure to fire or other products of combustion and consisting of at least 100 sprinkler heads, except for structures constructed after August 15, 2004, for which such system shall consist of the number of sprinkler heads required by the Seattle Building Code and the Seattle Fire Code, as amended from time to time.

Section 16. Section 6.10.210 of the Seattle Municipal Code is hereby amended as follows:

6.10.210 Fire alarm monitoring companies--License required-- Fee.

A. It is unlawful for a fire alarm monitoring company to engage in the business of monitoring fire alarm systems located

within the eCity of Seattle without first having obtained an annual license to do so. ~~The fee for such annual license is based upon two components: (1) The following aggregate amount:~~

B. The fee for such annual license is based upon two components:

1. The following aggregate amount:

Zero to 100 Seattle monitored fire alarms systems \$100.00 per annum;

101 to 200 Seattle monitored fire alarms systems \$200.00 per annum;

201 to 500 Seattle monitored fire alarms systems \$400.00 per annum;

Over 500 Seattle monitored fire alarms systems \$500.00 per annum; and

~~and (2) to~~ 2. One of the following amounts for each fire alarm system located in Seattle and monitored by the fire alarm monitoring company at any time during the calendar year:

a. ~~Fire Alarm systems serving structures five or more stories or structures exceeding 200,000 square feet in building floor area required by Seattle Fire Code or Seattle Building Code....\$320.00~~ \$693.00 per fire alarm system, per annum; or

b. ~~Fire Alarm systems not required by Seattle Fire Code or Seattle Building Code serving structures that are 3 or 4 stories and less than 200,000 square feet in building floor area....\$80.00~~ \$223.00 per fire alarm system, per annum; or

c. Fire alarm systems serving structures less than three stories and less than 200,000 square feet in building floor area.... \$76.00 per fire alarm system, per annum.

C. A fire alarm monitoring company that has paid an alarm system monitoring company license fee as required in SMC Section 6.10.010 B1, will not have to pay a fire alarm monitoring company license fee as required in SMC Section 6.10.210 B1, provided that all monitored fire alarm systems were used to compute the number of all alarm systems (both fire alarm and alarm systems) in SMC Section 6.10.010 B1.

D. When more than one fire alarm monitoring company is involved with providing fire alarm system monitoring service to any one location, all such companies shall be jointly and severally liable for payment of all fees under subsection B, provided, however, that:

1. It shall be the responsibility of the fire alarm monitoring company actually providing twenty-four (24) hour monitoring service, pursuant to a written contract between the fire alarm monitoring companies, to pay the license fee component set forth in subsection B1 of this section; and

2. The fire alarm monitoring company which maintains the service contract directly with the subscriber shall be primarily responsible for the license fee component set forth in subsection B2 of this section.

E. Modifications or upgrades to a fire alarm system originally serving an alarm site will be considered as part of one alarm system for the purpose of calculating license fees, regardless of the number of system panels. At the discretion of the Director, and upon recommendation by the Fire Marshall, the Director may waive or adjust such fees as necessary and appropriate.

~~B-E.~~ A heat or smoke detector that is installed in conjunction with a property or burglar alarm and is not approved by the Seattle Fire Department shall be subject only to the annual license fees and related provisions contained in subchapter I of this chapter.

~~C.G.~~ The license required pursuant to this subchapter is separate from and in addition to any license required by any other chapter of the Seattle Municipal Code including, but not limited to, that required pursuant to Chapter 5.45, Business License Tax; Chapter 5.55, General Administrative Provisions; and Chapter 6.08, pertaining to burglar alarms installers.

~~D.H.~~ The issuance and renewal of a license pursuant to this subchapter is conditioned upon the fire alarm monitoring company's continuing conformance with all requirements of the Seattle Fire Code and the Seattle Fire Department Administrative Rules for central station monitoring.

Section 17. Section 6.10.215 of the Seattle Municipal Code is hereby amended as follows:

6.10.215 Annual license and due date.

A. The annual license renewal fee shall be payable ~~in advance~~ by the fire alarm monitoring company on a calendar year basis ~~; except in 2004, where the annual fee shall be due by April 1~~. Licenses expire on December 31 in the calendar year in which they were issued and must be renewed and payment due by January 31 of the next year in order to avoid penalty.

B. Application for, and renewal of, the annual license shall be on forms specified by the Director and shall be accompanied by the license fee. Each annual application for, or renewal of, a license shall contain a list by fee category of all buildings in which the applicant monitors fire alarm systems, showing the street address for each building where the applicant monitors fire alarm systems; the number of fire alarm systems monitored by the applicant in each individual listed building; and the name, addresses and telephone number for the owner of each monitored fire alarm system.

Section 18. Section 6.10.220 of the Seattle Municipal Code is hereby amended as follows:

6.10.220 Calculation of fees.

A. ~~For N~~new fire alarm monitoring companies, ~~will pay~~ the fee contained in SMC Section 6.10.210 A-(1) B1, ~~which shall be computed on the number of fire alarm systems monitored at the time of initial application.~~

B. The license fee component contained in SMC Section 6.10.210 A-(1) B1 shall not be adjusted quarterly for the number of fire alarm systems monitored each quarter; ~~however the fee shall be prorated on a quarterly basis at the time of initial application.~~

C. The license fee component contained in SMC Section 6.10.210 A-(2) B2 shall be adjusted quarterly to reflect additional fire alarm systems first monitored during that quarter. Each fire alarm monitoring company shall file quarterly, in the format specified by the Director, a list of all additional addresses at which it monitored fire alarms during such quarter, the name of the corresponding subscriber, and the number of fire alarms at such address. The quarterly report should also list fire alarm systems that have been discontinued or, if known, transferred to another fire alarm monitoring company. The quarterly report shall be accompanied by payment of the additional per-fire-alarm-system fee due, if any. See proration calculations in SMC Section 6.10.230 below. ~~The quarterly report should also list fire alarm systems that have been discontinued or, if known, transferred to another fire alarm monitoring company.~~

D. Each fire alarm monitoring company shall file a quarterly report regardless of whether any additional fees are due.

Section 19. Section 6.10.230 of the Seattle Municipal Code is hereby amended as follows:

6.10.230 License fee proration.

A. In calculating the license fee component contained in SMC Section 6.10.210 A-(1) B1, only the initial license fee will be prorated on a quarterly basis for applications made after the first quarter.

~~B. The license fee component contained in SMC Section 6.10.210 A (2) B2 will be prorated in equal amounts on a quarterly basis for fire alarm systems that begin to be monitored after the first quarter. A credit will be given for the prorated portion of the license fee contained in SMC 6.10.210 A (2) paid by another fire alarm monitoring company for the present year on a fire alarm system that is transferred from one company to another fire alarm monitoring company; provided that satisfactory proof that the license fee component contained in SMC 6.10.210 A (2) has been paid is supplied to the Director.~~

Section 20. Section 6.10.235 of the Seattle Municipal Code is hereby added as follows:

6.10.235 Change of subscriber location or monitoring company.

A. A fire alarm monitoring company shall not owe an additional licensing fee for any license fee that has been already paid under SMC Section 6.10.210 B2, when a subscriber moves their alarm site to another location within the City of Seattle; provided that, the fire alarm monitoring company must provide the Director with information regarding the alarm site which has been moved, including but not limited to, the previous and new addresses of the alarm site and satisfactory proof of payment of the licensing fee component contained in SMC Section 6.10.210 B2. Such information must be provided in the next quarterly report due after the movement of the alarm site.

B. A credit will be given for the prorated portion of the license fee contained in SMC Section 6.10.210 B2 paid by another fire alarm monitoring company for the present year on a fire alarm system that is transferred from one company to another fire alarm monitoring company; provided that, satisfactory proof that the license fee component contained in SMC Section 6.10.210 B2 has been paid and is supplied to the Director.

Section 21. Section 6.68.010 of the Seattle Municipal Code is hereby amended as follows:

6.68.010 Violation--Penalty.

Unless otherwise specifically provided for elsewhere in this subtitle, Any person violating or failing to comply with any of the provisions of this subtitle shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine in any sum not exceeding Three Hundred Dollars (\$300), or by imprisonment in the City Jail for a period not exceeding ninety (90) days, or by both such fine and imprisonment.

Section 22. Section 10.08.140 of the Seattle Municipal Code is hereby amended as follows:

10.08.140 Definitions.

~~I. "False Alarm" means the notification to the Seattle Police Department concerning the activation of a property or burglary alarm an alarm system or alarm device when:~~

1. There is no evidence of a crime or other activity that warrants the assistance of the Seattle Police Department on the premises that would warrant a call for immediate police assistance or police investigation, as indicated by the investigation of a police officer on the scene or by the lack of a police report filed by the property owner; and 2. No individual who was on or near the premises or who had viewed a video communication from the premises, called for the dispatch or confirmed a need for an immediate police response; or

2. The dispatch of police personnel was cancelled by the alarm system monitoring company, whether the alarm was cancelled before or after the arrival of police personnel at the alarm site.

Section 23. Section 10.08.165 of the Seattle Municipal Code is hereby amended as follows:

10.08.165 Alarm system monitoring companies - Verification process .

Every alarm system monitoring company engaged in business activities in Seattle shall:

A. Obtain a City of Seattle ~~business~~ alarm system monitoring company license from the Department of Executive Administration as provided in SMC Chapter 6.10;

Section 24. Section 10.08.168 of the Seattle Municipal Code is hereby amended as follows:

10.08.168 Determination - Rebuttable presumption.

For the purposes of this subchapter, there is a rebuttable presumption that the following determinations made by the Chief of Police, or made on behalf of the Chief by a police officer dispatched to the premises, are correct:

A. There is no evidence of a crime or other activity that would warrant a call for ~~immediate~~ police assistance or police investigation at the premises; and

B. No individual who was on or near the premises, or who had viewed a video communication from the premises, called for the dispatch or verified a need for ~~an immediate~~ police response.

Section 25. This ordinance shall take effect and be in force thirty (30) days from and after its approval by the Mayor, but if not approved and returned by the Mayor within ten (10) days after presentation, it shall take effect as provided by Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2005, and signed by me in open session in authentication of its passage this ____ day of _____, 2005. _____ President _____ of the City Council

Approved by me this ____ day of _____, 2005. _____ Gregory J. Nickels, Mayor

Filed by me this ____ day of _____, 2005. _____ City Clerk

May 19, 2005 version #17 t