

ORDINANCE 1689

AN ORDINANCE OF THE CITY OF NORTH BEND, WASHINGTON, REPEALING AND REPLACING CHAPTER 9.240 (FALSE ALARMS) OF THE NORTH BEND MUNICIPAL CODE, REPEALING CHAPTER 9.85 OF THE NORTH BEND MUNICIPAL CODE, UPDATING THE TAXES, RATES AND FEES SCHEDULE, PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

WHEREAS, the City of North Bend (“City”) receives police services by and through a contract for services with the City of Snoqualmie (“Snoqualmie”); and

WHEREAS, the City recently renewed its interlocal agreement for police services with Snoqualmie; and

WHEREAS, the renewal interlocal agreement anticipates that the City will revise its false alarm ordinance to be substantially consistent with the requirements and procedures contained in Snoqualmie’s false alarm ordinance; and

WHEREAS, it is in the interest of public health and safety for the two cities’ false alarm ordinances to be substantially consistent for ease in administration and implementation of such false alarm ordinances; and

WHEREAS, the City desires to repeal duplicative and conflicting provisions of the North Bend Municipal Code with respect to false alarms; and

WHEREAS, the City Council desires to amend the City’s false alarm ordinance to be substantially consistent with the requirements of Snoqualmie’s false alarm ordinance;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. NBMC Chapter 9.240 (False Alarms), Repealed and Replaced: North Bend Municipal Code Chapter 9.240, relating to False Alarms, is hereby repealed in its entirety and replaced to read as stated in Exhibit A attached hereto.

Section 2. NBMC Ch. 9.85 (False Alarms, Crimes Relating to), Repealed: North Bend Municipal Code Chapter 9.85, relating to False Alarms, Crimes Relating to, is hereby repealed in its entirety.

Section 3. Taxes, Rates and Fees Schedule, Updated: The City Clerk is hereby directed to update the Taxes, Rates and Fees Schedule in accordance with the provisions adopted by this ordinance.

Section 4. Severability: Should any section, paragraph, sentence, clause or phrase of this ordinance, or its application to any person or circumstance, be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this ordinance or its application to other persons or circumstances.

Section 5. Effective Date: This ordinance shall be published in the official newspaper of the City and shall take effect and be in full force five (5) days after the date of publication.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF NORTH BEND, WASHINGTON, AT A REGULAR MEETING THEREOF, THIS 18TH DAY OF JUNE, 2019.

CITY OF NORTH BEND:

APPROVED AS TO FORM:

Kenneth G. Hearing, Mayor

Eileen M. Keiffer, City Attorney

ATTEST/AUTHENTICATED:

Published: June 28, 2019

Effective: July 3, 2019

Susie Oppedal, City Clerk

EXHIBIT A

Chapter 9.240 FALSE ALARMS

Sections:

- 9.240.010 False alarm defined.**
- 9.240.020 Activation.**
- 9.240.030 Unlawful alarm resetting.**
- 9.240.040 Fine for police/fire response.**
- 9.240.050 False alarm notices.**
- 9.240.060 Response to notice within 15 days.**
- 9.240.070 Adoption of civil infraction procedures.**
- 9.240.080 Other alarms unaffected.**
- 9.240.090 Violation – Penalty.**

9.240.010 False alarm defined.

For the purposes of this chapter, “false alarm” means the activation of a burglary and/or robbery alarm by means other than a forced or attempted forced entry to the premises, or at a time when no burglary or robbery unlawful entry, or actual robbery or attempted robbery, or a perceived threat to a person on the premises and at the time when no robbery, burglary, or crime involving a foreseeable risk of grievous bodily harm is being committed or attempted on the premises. “False alarm” also means the activation of any fire alarm, carbon monoxide or other emergency notification system by means other than the presence of smoke, heat, carbon monoxide or lack of water pressure, or at a time when no smoke, fire or excess heat or carbon monoxide and/or lack of water pressure is present on the premises.

9.240.020 Activation.

It is unlawful for any person to activate or permit the activation of any burglary, robbery or fire alarm system so as to create a false alarm. Setting or testing of any alarm system for a duration not to exceed two seconds is exempt from this section.

9.240.030 Unlawful alarm resetting.

It is unlawful for a person to reset the alarm until the alarm system has been inspected and a reset authorized by responding police or fire department personnel.

9.240.040 Fine for police/fire response.

The person having or maintaining such burglary, robbery and/or fire alarm system on premises owned or occupied by him shall be subject to a monetary penalty for false alarms prohibited by this chapter, as follows:

A. The first response to premises at which no other false alarm has occurred within the preceding six-month period, hereinafter referred to as a “first response,” shall not be subject to a monetary penalty, but the police and/or fire chief shall be authorized to issue a warning to the person having or maintaining the burglary and/or fire alarm system that they will be subject to a monetary penalty of \$75.00 for a second response to the premises within six months after a first response and \$100.00 for all succeeding responses within six months of the last response, and possible disconnection of their system if a third false alarm is responded to within the six-month period following the second false alarm.

B. The second response to premises within six months after a first response shall be subject to a monetary penalty in the amount of \$75.00.

C. The third response to premises within six months after a first response, and all succeeding responses within six months of the last response, shall be subject to a monetary penalty of \$100.00.

D. Any monetary penalties collected pursuant to this Section shall be payable to the City of Snoqualmie or the Eastside Fire and Rescue agency who is administering this program. Snoqualmie and Eastside Fire and Rescue shall thereafter remit all payments received under the false alarm program to North Bend.

9.240.050 False alarm notices.

Whenever the police respond to a false alarm, the officer responding may take the address of the premises and any other information displayed on the premises which might identify the owner or occupant of the premises. If the officer is able to identify the owner or occupant of the premises at the scene, and the response is other than a first response, then the officer shall either fix conspicuously to such premises a notice of infraction relating to false alarms or provide such notice of infraction to the owner or occupant, if such persons be present. In all other circumstances other than a first response, a notice of infraction relating to false alarms shall be mailed to the owner or occupant.

9.240.060 Response to notice within 15 days.

Any person who receives a notice of infraction relating to false alarms shall respond to such notice as provided in RCW 7.80.080 within 15 days of the date of the notice.

EXHIBIT A

9.240.070 Adoption of civil infraction procedures.

The provisions of RCW 7.80.050 through 7.80.160 concerning civil infractions, as now or hereafter amended, are adopted by reference as a part of this chapter in all respects as though such sections were set forth herein in full.

9.240.080 Other alarms unaffected.

Except as otherwise expressly provided herein, no provisions of this chapter shall in any way prohibit, curtail or limit the use of outside audible fire alarm systems in use as of the adoption of the ordinance codified in this chapter which are activated by heat or by lack of water pressure or similar means. Except as otherwise expressly provided herein, no provisions of this chapter shall in any way prohibit, curtail or limit the use of any alarm system which is otherwise required or regulated by state or federal law.

9.240.090 Violation – Penalty.

Violation of any of the provisions of this chapter is a civil infraction. Any person, firm or corporation found guilty of a violation of NBMC 9.240.020 shall be punished by a fine not to exceed the amounts set forth in NBMC 9.240.040. Any person, firm or corporation found guilty of a violation of any other section of this chapter shall be punished by a fine not to exceed \$250.00 per violation. All fines shall be payable to the City of Snoqualmie or the Eastside Fire and Rescue agency who is administering this program. Snoqualmie and Eastside Fire and Rescue shall thereafter remit all payments received under the false alarm program to North Bend.