EVERETT
WASHINGTON

Ordinance No. 3679-19

An Ordinance establishing regulations for Alarm Systems for Law Enforcement Response, repealing Ordinances 494-78 and 865-82 (Chapter 9.10 EMC)

Whereas, the City's current burglary and alarm ordinance was adopted in 1978. It essentially required alarm users to notify the Everett Police Department of any alarm system and imposed fines for multiple false alarms in a six-month period; and

Whereas, the ordinance was enforced through 1991 with false alarm charges billed monthly. Billings ceased with the installation of a dispatch software system that did not support false alarm tracking. However, new software is in place allowing tracking of false alarm responses by law enforcement; and

Whereas, data from 2017 and 2018 indicates that on average the Everett Police Department responds to about 382 confirmed false alarm calls each month. 94% of all premises alarms involving an Everett police response are reported by the responding officers to be false or unfounded, and less than 1% of those alarms resulted in a police report documenting a criminal act. Studies indicate that in some jurisdictions alarm calls can account for 10 to 25 percent of all police calls and that between 90 to 99 percent of alarm calls are false; and

Whereas, responding to alarms often involves police vehicles using lights and sirens leading to greater risks to officers and the public; and

Whereas, excessive false alarms unduly burdens the City's limited law enforcement resources; and

Whereas, an effective alarm response protocol for the City is necessary to reduce false alarms by requiring licensing for alarm companies, requiring procedures for alarm monitoring companies to verify alarms before calling police, and charges for false alarm responses; and

Whereas, the City's alarm regulations for law enforcement are dated and in the interest of the general public health, safety and welfare of the community, they need to be updated as reflected below;

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. Purpose.

A. The purpose of this Ordinance is to improve the reliability and effectiveness of alarm systems, license the alarm industry in the City, encourage alarm owners and alarm companies to properly use and maintain alarm systems, require accurate alarm user contact information, reduce the number of false alarms occurring within the City and the resultant waste of City resources, recover the costs associated with responses to false alarms, and to provide for corrective measures when necessary.

B. This Ordinance governs alarm systems intended to summon law enforcement response. This Ordinance establishes fees, provides for penalties for violations, establishes a system of administration, and sets conditions for suspension of police response.

Section 2. Definitions.

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

A. **"Alarm Activation"** means an alarm system has transmitted an alarm signal to an alarm company or alarm user.

B. **"Alarm Administrator"** means a person or persons designated by the Chief of Police to administer, control and review false alarm reduction efforts and administer the provisions of this Ordinance. All or part of the duties assigned to the alarm administrator may be assigned to a private third-party person and/or company.

C. **"Alarm Company"** means a person and/or company in the business of selling, leasing, installing, maintaining, servicing, or monitoring an alarm system at an alarm site within the City.

D. **"Alarm Dispatch Request"** means a notification to a 911 Emergency Call Center that an alarm, either manual or automatic, has been activated at a particular alarm site.

E. **"Alarm Manager"** means either the alarm user in the case of a local alarm system, or the alarm company in the case of an alarm site that is monitored by an alarm company and the alarm company is acting on behalf of the alarm user to make an alarm dispatch request.

F. **"Alarm Officer"** means a person or persons designated by the Chief of Police to hear and decide internal reviews related to alarm violations and discontinuance of law enforcement response to alarm sites pursuant to this Ordinance.

G. **"Alarm Responder"** means those persons capable of reaching and having access to the alarm site, that know the code for arming and disarming the alarm system, and that the monitoring company maintains contact information for to verify an alarm activation and/or to request a response to the alarm site when requested by law enforcement officers.

H. **"Alarm Site"** means a single fixed premises or location served by an alarm system or systems. Each unit, if served by a separate alarm system in a multi-unit building or complex, shall be considered a separate alarm site.

I. **"Alarm System"** means any device(s) designed to detect and/or alert: unauthorized and/or illegal entry to an alarm site, other illegal activity, or an emergency requiring a law enforcement response; that upon such detection emits or transmits an alarm signal which is intended to summon a law enforcement response. Alarm system includes any systems monitored by an alarm company and/or alarm user, and local alarm systems that transmit an alarm signal at the alarm site either audibly or visually. The term does not include vehicle or vessel alarms, fire alarms, alarms for medical responses, flooding alarms, gas detection alarms, personal alarms, doorbell alerting camera devices not used to detect and alert illegal intrusions, or those local alarm systems that are intended to solely alert the occupants of an alarm site and/or the alarm user and which will not emit an alarm signal that can be received, heard, or seen outside of the alarm site premise(s).

J. **"Alarm User"** means any person, corporation, partnership, proprietorship, governmental or educational entity owning, leasing, contracting, responsible for, or operating an alarm system, or on whose premises an alarm system is maintained.

K. **"Building,"** in addition to its ordinary meaning, includes any dwelling, fenced area, cargo container, or any other structure used for lodging of persons or for carrying on business therein, or for the use, sale, or deposit of goods.

L. **"Cancellation"** means an alarm company makes an alarm dispatch request and then later terminates the police response to the alarm site by completing a notification to the Police 911 Emergency Call Center that there is not a situation at the alarm site that requires a response by the Everett Police Department. An alarm dispatch request cannot be cancelled once law enforcement personnel have been dispatched to the alarm site.

M. **"City"** means the city of Everett, Washington, or its agent.

N. **"Doorbell Alerting Camera Device"** means a device that detects activity at an entry door or porch area, typically residential, and notifies the resident by an alert and video transmission of such activity at the entry door. Doorbell Alerting Camera Devices are not considered alarm systems if they are not used to detect and alert illegal intrusions to an alarm site.

O. **"Duress Alarm"** means a silent alarm system signal generated by the entry of a designated code into an alarm system in order to signal that the individual entering the code is being forced to turn off the system and requires law enforcement response.

P. **"Enhanced Call Verification (ECV) or Enhanced Call Confirmation (ECC)"** means an attempt by telephone made by the monitoring company to contact an alarm responder following an alarm activation to determine if the alarm activation is valid before making an alarm dispatch request. The alarm company, at a minimum, will make a second call to a different number if the first attempted call fails to reach an alarm responder who can properly identify themselves and determine whether the alarm signal requires an alarm dispatch request.

Q. **"Actual Call Verification (ACV)"** means the transfer and monitoring of real-time audio or video from the alarm site to the monitoring company, as a result of activation of one or more devices, to confirm or deny the validity of the alarm signal.

R. **"False Alarm"**

1. A false alarm means and requires the following:

    a. Everett Police officers were dispatched to the alarm site in response to an alarm dispatch request; and

    b. The investigation of the alarm site by Everett Police officers found no evidence that the alarm activation was the result of the commission of or attempted commission of a criminal offense, or that a law enforcement related emergency occurred or was occurring at the alarm site, in which case the alarm will be presumed to be false.

2. A false alarm specifically does not include:

    a. An alarm activation which can reasonably be determined to have been caused by abnormal conditions of nature or circumstance and that sets off a large number of alarms, such as earthquakes, tornados, derechos or damaging winds exceeding 58 miles per hour, widespread electrical surges, or widespread power outages lasting longer than four (4) hours; or

b. Intentional activation of an alarm system because of the reasonable, but mistaken, belief that a crime was being or about to be committed, or that a law enforcement emergency was occurring or about to occur; or

c. The alarm company or alarm user completed a cancellation of the alarm dispatch request with the Police 911 Emergency Call Center before law enforcement officers were dispatched to the alarm site; or

d. Law enforcement officers responding to the alarm cancel the response to the alarm site at their discretion.

S. **"Hearing Examiner"** means the Everett hearing examiner and the office thereof.

T. **"Holdup Alarm"** or **"Robbery Alarm"** means an alarm, typically silent, generated by the manual activation of a device intended to signal a robbery in progress or immediately after it has occurred.

U. **"Local Alarm System"** means any alarm system, which is not monitored, that annunciates an alarm only at the alarm site.

V. **"Monitoring"** means the process by which an alarm company and/or alarm user receives signals from an alarm system and relays an alarm dispatch request to the Police 911 Emergency Call Center for the purpose of summoning law enforcement to the alarm site.

W. **"Panic Alarm"** means an alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

X. **"Personal Alarm"** means an alarm system that is intended for personal wear on the body, that is typically a panic alarm, and that is not fixed at an alarm site or associated to a specific alarm site.

Y. **"Police 911 Emergency Call Center"** means the Public Safety Answering Point or call center responsible for answering calls to an emergency telephone number and dispatching law enforcement officers from the Everett Police Department.

Z. **"Runaway Alarm"** means an alarm system that produces repeated alarm signals that do not appear to be caused by separate human action or that produces three separate false alarm signals within a 24-hour period.

AA. **"Trespass Alarm"** means an alarm that detects and alerts when a person or persons enters or remains unlawfully in or upon the premises of another other than a building.

BB. **"Violator"** means any alarm user, alarm manager, or alarm company that violates any provisions under this chapter including but not limited to any alarm user on whose property a false alarm occurs.

Section 3. Authority - Funds.

A. The Chief of Police is responsible for administration of this Ordinance. The Chief of Police is authorized to promulgate policies, procedures and interpretations in his/her administration of this Ordinance.

B. The Chief of Police shall designate an alarm administrator and an alarm officer to carry out the administrative duties and functions described in this Ordinance.

C. Monies generated by this Ordinance shall be deposited into the appropriate City fund account.

D. The Chief is to review and recommend to the City Council any modification to the fees in this Ordinance.

Section 4. License Required.

Alarm Company Operator. In addition to any other required City license, an alarm company operator license shall be required for any alarm company to be or become or operate or provide an alarm monitoring service within the jurisdictional limits of the City. This includes any alarm company that monitors alarm systems installed at alarm sites in the jurisdictional limits of the City even if such monitoring is conducted from a location outside the City limits. Such license shall be valid for the calendar year in which it is issued and is not transferrable.

Section 5. License Fees.

The license fees for Alarm Company Operator are based upon the number of alarm sites monitored by the alarm company at the time the license is applied for, and are hereby fixed as follows:

For one to 100 alarm sites:	$100 per annum
For 101 to 200 alarm sites:	$200 per annum
For 201 to 500 alarm sites:	$400 per annum
For 501 or more alarm sites:	$500 per annum

Section 6. Duties of the alarm user.

An alarm user shall:

A. Comply with all sections of this Ordinance;

B. Maintain the premises and the alarm system in a manner that will reduce or eliminate false alarms, and set any exterior audible alarm so that it will activate for no more than fifteen (15) minutes in case of an alarm activation;

C. Provide the alarm company, if used for monitoring, with current contact information and update that information as it changes for a minimum of two individuals, including the alarm user, to act as alarm responders with access to the alarm site, that know the code for arming and disarming the alarm system, that can be contacted for verification of an alarm activation, and that can routinely be available to respond to the alarm site if requested by law enforcement. The contact list should be updated when alarm responders will not be available for extended periods of time such as vacation;

D. Only activate the alarm for the occurrence of an event or a reason that the alarm system was intended to report;

E. If monitoring the alarm system and upon initiating an alarm dispatch request, differentiate between either a residential or business alarm; identify the alarm type as either a building intrusion alarm, a trespass alarm, or a robbery/hold-up/panic/duress alarm; and identify whether the alarm is silent or audible at the alarm site. The alarm user will report where the activation occurred at the alarm site and activations from different zones/locations within the alarm site if known; and

F. Failure of alarm user to comply with the duties of this Ordinance may result in a civil penalty.

Section 7. Duties of the alarm responder.

An alarm responder shall:

A. Routinely be available for phone contact by the alarm company as needed for enhanced call verification;

B. Be able to access the alarm site and know the code to arm and disarm the alarm system; and

C. Make every reasonable effort to respond to the alarm site within 30 minutes when requested by the Everett Police Department to provide access to the alarm site, disarm the alarm system, and secure the alarm site or arrange for security of the site if the alarm system cannot be rearmed or if there is damage to the premise that prevents the site from being secured.

Section 8. Duties of the alarm company.

A. Any alarm company engaged in business in the City shall comply with the following:

1. Obtain and maintain the required state, county and/or City license(s);

2. Supply each of their alarm users for which they are licensed to provide alarm monitoring service pursuant to this chapter with copies of all current ordinances pertaining to alarms and a copy of the licensee's policies and practices with respect to billing an alarm user for any violation penalty fees established by this chapter of the Everett Municipal Code;

3. Maintain current phone contact information for the alarm user and alarm responders who can be called in an emergency, 24 hours a day, who will be requested to respond to the alarm site immediately if necessary;

4. Upon direction of the Alarm Administrator, utilize the National Law Enforcement Telecommunications System (NLETS) Automated Secure Alarm Protocol (ASAP) to electronically transmit alarm dispatch requests, alarm updates, and alarm cancellations between the alarm company and the Police 911 Emergency Call Center; and

5. In the case of an alarm company providing monitoring service, the alarm company will, at the direction of the alarm administrator:

    a. Act as the alarm manager for the alarm user accounts the alarm company monitors and to pay to the City within 30 days all fees that are due for violation penalties under this Ordinance for those accounts when notified by the City that those fees are due; and

b. Upon payment of the annual alarm company operator license fee, provide the City a list of all monitored alarm sites in the City in a format specified by the alarm administrator, to include the name and mailing address of the alarm user, alarm site address, and type of alarm at the alarm site (residential or business; intrusion, trespass, panic, duress, holdup and/or robbery; silent or audible), and further to provide monthly updates to the alarm administrator noting the alarm sites added and deleted.

B. Ninety days after the effective date of this Ordinance, alarm companies shall, on all new and upgraded installations:

1. Use only alarm control panels which meet current industry standards;

2. Eliminate the use of duress codes that add a single digit to a normal alarm code. Duress codes, if programmed, must be a separate code that is unique and does not resemble any normal alarm code;

3. Eliminate the use of single action and/or non-recessed holdup alarm and robbery alarm activation buttons; and

4. Disable use of any automatic voice dialers that call the Police 911 Emergency Call Centers and play messages requesting a response to an alarm activation.

C. Prior to activation of the alarm system, the alarm company must provide:

1. Written and oral instructions to the alarm user explaining the proper operation of the alarm system, to include turning the system on and off and how to avoid false alarms; and

2. Written information of how to obtain service from the alarm company for the alarm system.

D. An alarm company performing monitoring services shall, upon receiving an alarm activation:

1. Use enhanced call verification to attempt to verify a valid alarm before initiating the alarm dispatch request by calling the alarm site, the alarm user, and/or an alarm responder by telephone. The alarm company, at a minimum, will make a second call to a different number if the first attempted call fails to reach an alarm responder who can properly identify themselves and determine whether the alarm signal requires an alarm dispatch request. Enhanced call verification is not required in the case of a duress alarm, holdup or robbery alarm, panic alarm, or personal alarm activations. Enhanced call verification is also not required when an alarm has been confirmed by actual call verification through audio or video monitoring of the alarm site;

2. When initiating an alarm dispatch request, the alarm company must differentiate between either a residential or business alarm; identify the alarm type as either a building intrusion alarm, a trespass alarm, or a robbery/hold-up/panic/duress alarm; and identify whether the alarm is silent or audible at the alarm site;

3. Report the alarm site address and communicate any available information about where the activation occurred at the alarm site, how many activations have occurred, any person(s) known to be at the alarm site, and any activations from different zones/locations within the alarm site when they occur;

4. Communicate a cancellation to the law enforcement communications center as soon as possible following a determination that a law enforcement response is unnecessary;

5. Upon the request of the Everett Police Department, provide the most current name, address, and telephone number and other available information for the alarm user and provide the most current names and telephone numbers of alarm responders available to immediately respond to the alarm site if necessary;

6. Direct the alarm user or alarm responder go to the alarm site if requested by law enforcement, communicate to law enforcement if the alarm company is aware that the alarm user or alarm responder is self-dispatching to the alarm site, and provide a name, description, and an estimated time of arrival for any alarm user or alarm responder going to the alarm site; and

7. Within 24 hours of an alarm dispatch request, the alarm company will notify the alarm user by mail, fax, or electronic means of the alarm dispatch request.

E. Maintain for a period of at least one (1) year from the date of any alarm dispatch request all records relating to the request to include the alarm user name, address, phone number, date and time(s) of alarm zones activated, specific alarm zone(s) activated, and attempted enhanced call verification contacts. The alarm administrator may request copies of such records for individually named alarm users. If the request is made within sixty (60) days of an alarm dispatch request, the alarm company shall furnish requested records within three (3) business days of receiving the request. If the records are requested between sixty (60) days to one (1) year after an alarm dispatch request, the alarm company shall furnish the requested records within thirty (30) days of receiving the request.

F. All alarm companies licensed pursuant to this chapter shall notify each of their alarm users for which they are licensed to provide alarm monitoring service pursuant to this chapter of the revocation or suspension of any license issued by the City. The notice shall be in writing and shall be mailed to all alarm users no later than the tenth calendar day following such suspension or revocation.

G. Failure of an alarm company to comply with the duties under this Ordinance may result in a civil penalty.

Section 9. Violations.

A. It shall be a violation of this Ordinance for an alarm user to:

1. Have a false alarm occur on the alarm user's property;

2. Install, maintain, or use an audible alarm system which can sound continually for more than 15 minutes;

3. Install, maintain, or use an automatic dial protection device that reports, or causes to be reported, any recorded message to the Everett Police Department or the Police 911 Emergency Call Center;

4. Fail to comply with any other requirement of this Ordinance applicable to alarm users.

B. The alarm user and alarm company, if acting as the alarm manager, will be jointly responsible for violations under this Ordinance whether or not s/he or it individually caused the violation to occur.

C. It shall be a violation of this Ordinance for an alarm company to violate any requirements of this Ordinance applicable to said companies.

D. It shall be a violation of this Ordinance for an alarm user or alarm company making an alarm dispatch request to fail to identify and differentiate a trespass alarm from any other type of alarm activation such as a building intrusion alarm activation or a robbery/hold-up/panic/duress activation.

Section 10. Enforcement/penalties.

A. *False Alarms.* Civil penalties for false alarms may be assessed against violators for any false alarms occurring in a twelve (12) month period as follows:

1. First false panic/duress/robbery/holdup/silent alarm: $200.00;
2. Each subsequent false panic/duress/robbery/holdup/silent alarm: $200.00;
3. First false alarm, other alarms: $100.00;
4. Each subsequent alarm, other alarms: $100.00.

B. *Other Civil Penalty(ies).* Any other violations of this chapter will be enforced through the assessment of civil penalty(ies) in the amount of $100.00 per violation against violators , except that the penalty assessed against an alarm company for failure to utilize enhanced call verification when required will be in the amount of $250.00 per violation.

C. *Notice of Violation and Civil Penalty(ies) (Notice of Civil Penalties).* Violators of this Ordinance shall be notified in writing of their violation(s) and penalty. The notice of civil penalty shall include the following:

1. The name and address of the person responsible for the violation;
2. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the alarm violation has occurred or is occurring;
3. A description of the violation and a reference to the provision(s) of the City regulation which has been violated;
4. The required penalty amount due, the manner and means of payment, and a demand that the penalty must be paid within 30 days of service of the notice after which the City may seek collection of funds (including the costs of collection) unless the violator requests an internal review or subsequent to an internal review, files an appeal;
5. The monetary penalty constitutes a personal obligation of the violator;
6. The right to ask for internal review of the notice of civil penalty or request a fee waiver to the Everett Police Department's alarm officer within 15 days after the date of notice of civil penalty(ies) as described in subsection G of this section; and
7. The right to file an appeal with the City's Violations Hearing Examiner within 15 days of the date of the department alarm officer's written final determination of the internal review/request for fee waiver.

D. *Service of Notice.* The notice of civil penalty(ies) can be served by sending it to the address of the alarm site or, in the case of an alarm system monitored by an alarm company licensed to provide alarm monitoring service for the alarm site, to the address of the alarm company and to the mailing address provided by the alarm company for the alarm user. The notice(s) shall be sent by first class mail. Alternatively, the notice of civil penalty can be personally served on the violator(s). Proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service.

E. *Discontinuance of Law Enforcement Response.* The Chief of Police, or designee, may in his/her discretion discontinue police responses to alarm signals from what appears to be a runaway alarm, or from an alarm site that has accrued six (6) or more false alarms in the past year, or from the alarm site(s) of an alarm user or alarm company that has failed to make payment of any civil penalty(ies) assessed under this Ordinance as required until payment is received, or an alarm company that has failed to pay annual license fees.

F. *Civil Noncriminal Violation.* A violation of any of the provisions of this Ordinance shall be a civil violation and shall not constitute a misdemeanor.

G. *Internal Review of Notice of Civil Penalties or Request for Waiver of False Alarm Fee.*

1. If the violator believes the violation did not occur and/or where in the interest of justice imposing a fee is not appropriate, the violator may submit a written request for internal review of the notice of civil penalty to the alarm officer within 15 days of the date of the notice of civil penalty. The request shall state all reasons for disputing the notice of civil penalty and provide a mailing address for further correspondence with the violator.

2. The alarm officer shall consider the information and respond in writing to the violator within 15 days of receipt of the request stating whether the notice of civil penalty has been withdrawn or upheld and the reasons supporting the decision. If the alarm officer upholds the notice of civil penalty, the alarm officer shall notify the violator:

    a. Of the right to appeal the notice of violation by requesting a hearing before a hearing examiner within 15 days of the date of the alarm officer's decision as provided in this section;

    b. That the notice of appeal shall explain the reasons supporting the appeal;

    c. Of the obligation to pay the civil penalty within 30 days of the alarm officer's written decision if no appeal is filed; and

    d. The address at which to file the appeal.

3. The City will send the alarm officer's decision to the violator at the address provided by the violator with the written request for internal review.

H. *Monetary Penalty.* The monetary penalty must be paid to the City in the manner designated in the notice of penalty. In the case of an alarm system monitored by an alarm company licensed to provide alarm monitoring service for the alarm site, at the City's discretion, the monetary penalty will be charged to the alarm company providing the alarm monitoring service. The City Attorney or designee is authorized to take appropriate action to collect the monetary penalty. The violator will be responsible for the costs of collection in addition to the monetary penalty.

Section 11. Appeals.

A. *Procedure.* A violator may, within 15 days of the date of the Department's alarm officer's written final determination of the internal review/request for fee waiver, appeal such final decision by filing an appeal in writing with the City's Violations Hearing Examiner. The violator shall be notified of the date, time and place of the hearing within 10 days from the date of the notice of appeal. The Hearing Examiner shall conduct a hearing on the notice of civil penalty in accordance with the provision of Chapter 1.20 EMC (Enforcement Procedures) and the Hearing Examiner rules of procedure. To the extent a provision of Chapter 1.20 EMC or the Hearing Examiner rules of procedure conflict with a provision of this Ordinance, this Ordinance will control. The Chief of Police or designee and the violator to whom the notice of civil penalty was directed may participate as parties in the hearing. The City shall have the burden of proof to show by a preponderance of the evidence that there was a violation under this Ordinance and that the penalty is reasonable. Copies of police reports, dispatch logs, and alarm company alarm response request records shall be admissible in such actions.

B. *Decision of Hearing Examiner.*

1. The Hearing Examiner shall affirm, vacate, or modify the City's decisions regarding the alleged violation and penalty and mail a copy of the decision to the violator and to the Chief of Police.

2. The Hearing Examiner shall issue an order to the violator for the violation which contains the following information:

    a. The decision regarding the alleged violation including findings of fact and conclusions based thereon in support of the decision;

    b. The monetary penalty assessed; and

    c. The date and time by which the penalty shall be completed or paid and the manner and means of payment after which the City may seek collection of funds.

C. *Failure to Appear.* If the violator to whom the notice of civil penalty was issued fails to appear at the scheduled hearing, the Hearing Examiner will enter an order finding the violation as stated in the notice of civil penalty, and ordering the appropriate monetary penalty. The City will carry out the Hearing Examiner's order and recover the monetary penalty.

D. *Appeal to Superior Court.* An appeal of the decision of the Hearing Examiner must be filed with superior court within 20 calendar days from the date the Hearing Examiner's decision was mailed to the violator to whom the notice of civil penalty was directed, or is thereafter barred.

E. *Collection of Monetary Penalty.* The monetary penalty constitutes a personal obligation of the violators to whom the notice of civil violation is directed. Any monetary penalty assessed must be paid to the City within 30 calendar days from the date of mailing of the Hearing Examiner's decision or a notice from the City that penalties are due. The City Attorney or designee is authorized to take appropriate action to collect the monetary penalty. The violator will be responsible for the costs of collection in addition to the monetary penalty, except in the case of an alarm system monitored by an alarm company licensed to provide alarm monitoring service for the alarm site where, at the City's discretion, the monetary penalty will be charged to the alarm company providing the alarm monitoring service.

Section 12. Chapter exemption.

The federal government, its departments and institutions; the state of Washington, its departments or institutions; Snohomish County and its departments; and the City of Everett and its departments shall be exempt from this Ordinance. The Everett School District and the Mukilteo School District shall be exempt only from the monetary obligations under this chapter.

Section 13. Confidentiality.

In the interest of public safety, all information contained in and gathered through the alarm registration applications, no-response records, applications for appeals and any other alarm records shall be held in confidence by all employees and/or representatives of the City except as otherwise required by law including Chapter 42.56 RCW.

Section 14. Government Immunity.

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that the Everett Police Department response may be influenced by factors such as the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

Section 15. Severability.

Should any section, subsection, paragraph, sentence, clause, phrase, or portion of this Ordinance or its application to any person or situation, be declared unconstitutional, invalid for any reason, or preempted by state or federal law or regulations, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to any other persons or situations. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, paragraph, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, phrases, or portions be declared unconstitutional, invalid, or preempted.

Section 16. Repealer.

Ordinances 494-78 and 865-82 (Chapter 9.10 EMC) are hereby repealed.

Section 17. Codification.

Sections 1-13 of this Ordinance are to be codified in Chapter 9.10 EMC.

Section 18. Corrections.

The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, Ordinance numbering, section/subsection numbers and any references thereto.

Cassie Franklin, Mayor

ATTEST:

City Clerk

Passed: 5/22/2019

Valid: 5/30/2019

Effective: 6/14/2019

Published: 6/08/2019