

Ordinance of 2023

An ordinance amending and restating Part 2, Chapter 90 of the City of Washington Code

Whereas the City of Washington has determined that technology has allowed for changes to the Alarm Systems requirements for the City, and;

Whereas the City Council plans to phase out connection to and use of the existing Gamewell Alarm System, and ;

Now, Therefore, the City Code is hereby amended and restated to provide in its entirety as follows:

Chapter 90 Alarm Systems

§ 90-1 **Definitions; word usage.**

A. As used in this chapter, the following terms shall have the meanings indicated unless a different meaning clearly appears from the context:

ACCIDENTAL FALSE ALARMS

Any false alarm which is not an intentional false alarm as defined herein or when an intrusion, crime, fire or other emergency has not actually occurred.

ALARM

A communication to the Washington County 911 Center or to the Police or Fire Department directly indicating that a crime, fire or other emergency situation warranting immediate action by the Police or Fire Department has occurred or is occurring.

ALARM DEVICE

A mechanical device designed to automatically transmit an alarm by wire, telephone, radio or other means directly to the Washington County 911 Center which is intended to notify the Police or Fire Department of the alarm,

ALARM TECHNICIAN

An authorized City employee, technician or company appointed by the Fire Chief, who is qualified to inspect and test any Alarm device.

BUSINESS ORGANIZATION

Any proprietorship, partnership, corporation or any other form of business organization whatsoever doing business in the City of Washington.

CHARITABLE INSTITUTION

Organizations incorporated or otherwise whose purpose or purposes include the advancement of education, the advancement of religion, the promotion of health, governmental or municipal purpose and any other purpose which is beneficial to the community.

CITY OF WASHINGTON FIRE COMMUNICATION DEVICE

A device provided by the City of Washington Fire Department designed to communicate through telephone or data wires or wirelessly with the City of Washington Fire Department for the purpose of notification of a fire.

DIRECT ALARM DEVICE

An alarm that is directly reported to the Police or Fire Department by device, in person, by phone or other means.

FALSE ALARM

An alarm to which the Police or Fire Department responds resulting from the activation of an alarm device when a crime, fire or other emergency warranting immediate action by the Police or Fire Department has not in fact occurred.

FIRE CONTROL PANEL

A centralized control panel communicating with all alarm devices in a prescribed building or area. The fire control panel will signal the Washington County 911 Center.

GAMEWELL

An alarm system installed and operated by The City of Washington Fire Department which directly notifies the City of Washington Fire Department of an alarm.

HOMEOWNER

Any person, corporation, partnership, proprietorship or any other form of business organization which owns a building in the City of Washington, designed or used exclusively as living quarters for one or more families.

INDIRECT ALARM DEVICE

An alarm device that does not directly notify the Police or Fire Department. An indirect alarm includes those to an alarm company, which, in turn, notifies the Washington County 911 Center who in turn notifies the City of Washington Fire or Police departments.

INTENTIONAL FALSE ALARM

A false alarm resulting from the intentional activation of an alarm device by an individual under circumstances where that individual has no reasonable basis to believe that a crime, fire or other emergency warranting immediate action by the Fire or Police Department has occurred or is occurring.

NON-PROFIT ORGANIZATION

Any nonprofit corporation, nonprofit association or otherwise, which is in existence for a purpose or purposes not involving pecuniary profit, incidental or otherwise, to its member.

NON-RESIDENTIAL STRUCTURE

All structures used for any purpose, unless designed and built to house a single family.

PERMIT HOLDER

A person to whom the Fire Department has issued an alarm device permit.

PERSON

An individual, corporation, partnership, incorporated association or other similar entity.

POLICE DEPARTMENT

The Police Department of the City of Washington

WASHINGTON COUNTY 911 CENTER

The County of Washington Public Safety operations center.

§ 90-2 Permits and permit fees.

- A. It shall be unlawful for any property owner, lessee of property, or any person or entity otherwise assuming occupation of any nonresidential building, premises or structure of any kind within the City to fail to apply for and install, if so required by the Fire Department, a City of Washington fire communication device or and Indirect Alarm Device.
- B. To apply for an alarm device permit, a person must submit an application to the Fire Department setting forth all information and documentation reasonably required by the City which shall include but shall not be limited to the following:
- (1) Home address and business address and telephone number of each.
 - (2) The location at which the alarm device will be installed.
 - (3) The names, addresses and phone numbers of at least two individuals who have keys to the premises at which the alarm device is located, and are authorized to enter the premises at any time, but who do not reside at the premises at which City of Washington fire communication device is to be located.
 - (4) Required construction information.
 - (5) A general written description of the device other than schematics.
 - (6) If the device is to be leased or rented from or is to be serviced pursuant to a service agreement by a person other than the person making application for an alarm device permit, the name, address and telephone number of that person must be stated in the application for an alarm device permit shall submit a signed statement in the following form:

"I (We), the undersigned applicant(s) for an alarm device permit, intending to be legally bound hereby, agree with the City that neither I (we) nor anyone claiming by, through or under me (us), shall make any claim against the City, its officials or agents, for any damages caused to the premises at which the alarm device, which is the subject of this application, is or will be located, if such damage is caused by a forced entry to said premises by employees of the City in order to answer an alarm from said alarm device at a time when said premises are or appear to be unattended or when in the discretion of said employees the circumstances appear to warrant a forced entry."
- (7) The City of Washington Fire Department or any agent authorized by the City shall furnish forms which any person wishing to apply for an alarm device permit shall submit with his application.
- C. A person applying for an alarm permit for a nonresidential building shall submit the required application and upon review, provide the fee for registration and initial inspection. The fee for this device, or any other fees identified in this chapter, shall be listed on the City of Washington Fee Schedule, and may be modified or adopted hereafter pursuant to a resolution of the Mayor and Council of the City of Washington.
- D. The Washington City Fire Department shall, within 30 days from receipt of an application and appropriate fee for a City of Washington fire communication device contact the applicant to establish a date for the initial inspection, testing and approval of the device.
- E. If a device is found to be damaged, nonfunctioning or faulty, the occupancy permit can be revoked.

- F. An alarm device permit may be revoked for any lawful reason, including but not limited to the following reasons:
- (1) Failure of an alarm device to conform to the operational standards set forth in § 90-j of this chapter.
 - (2) Failure of a permit holder with a City of Washington fire communication device to pay the Fire Department for the maintenance and inspection fees as prescribed by the City of Washington Fee Schedule.
 - (3) The occurrence of more than 8 false alarms from an alarm device during any calendar year.
 - (4) The occurrence of an intentional false alarm caused by the permit holder or by an individual over the age of 14 who resides on the premises where the alarm device is located.
- G.. All alarm devices shall be designed, installed and maintained so that they interface with the central receiving station maintained by the City, to include the Fire Department. Notwithstanding any other term or provision set forth in this chapter, any and all alarm systems or devices of any kind installed in or upon any premises described herein, from and after the effective date of this chapter, shall link to the City of Washington fire communication device provided by the City of Washington Fire Department.
- H. All alarm devices and systems of any kind as identified or referenced in this chapter shall meet the standards and specifications set forth herein as well as the applicable standards of Underwriters' Laboratories and/or the National Fire Protection Association, and/or other recognized industry standards, and shall be permitted under this chapter if in conformity thereto. Any alarm device or system which does not meet any or all of the above standards or for which there is no recognized industry standard shall require the applicant for a permit to submit evidence of the reliability or suitability of the alarm device, which may be approved or denied by the City. Any permit issued for such an alarm device or system which does not conform to the recognized standard may be conditionally subject to satisfactory performance of said alarm device or system after installation. The applicant for a permit may be required to submit evidence of the reliability and suitability of the alarm device.
- K. The sensory mechanism used in connection with an alarm device must be adjusted to suppress false indication of fire or intrusions, so that the alarm device will not be activated by impulses due to transient pressure change in water pipes, short flashes of light, wind noises such as the rattling or vibrating of doors or windows, vehicular noise adjacent to the premises, or other forces unrelated to genuine alarm situations.
- L. The alarm device must be maintained by the permit holder in good repair to assure reliability of operations.

§ 90-3 Alarm systems.

- A. Testing and Inspection fees.
- (1) In addition to the terms set forth in this chapter, any individual, person, occupant, entity, homeowner, resident, business organization, nonprofit organization or charitable institution, as hereinafter defined shall pay an initial inspection and testing fee as well as annual testing and inspection fee as listed on the City of Washington Fee Schedule, payable on or before May 1 of each succeeding calendar year.
 - (2) There is no refund of fees or any portion of any fees for any reason.
 - (3) Any person, entity, homeowner, resident, business organization, nonprofit organization or charitable institution which fails to pay said annual rental fee by May 1 of each calendar year will be assessed an additional amount as specified by the City of Washington Fee Schedule, charged each month in which the payment is late or delinquent.

- (4) The fee for initial inspection of an approved system shall be \$150 per alarm location. Subsequent inspections shall be \$75 annually per location. Fees may be adjusted annually by resolution of City Council.

B. Gamewell Operation and Disconnection procedure.

- (1) Upon the adoption of this ordinance the City operated and monitored Gamewell Direct Alarm System fees shall continue to be offered until 12:01 a.m. January 1 2026 at an annual rate set by City Council per adoptions of the Fees resolution. After the stated date all locations using Gamewell System must have switched to an approved alarm system as prescribed by this ordinance.
 - (2) The annual Gamewell fee shall be paid upon receipt annually. Gamewell locations who convert to an approved alarm system shall be refunded a pro-rated amount based on the activation and inspection date of the newly installed alarm system.
 - (2) All devices, wires, connectors, and other such apparatus previously installed upon the premises to connect to said fire alarm system with the City alarm system shall be color coded in red and shall be clearly designated as a fire alarm wire and/or other device. In addition, all devices, wires, connectors and other such apparatus shall be approved by the City Alarm Technician and the City Fire Chief. Furthermore, all individuals and entities to whom this chapter applies shall comply with all operation standards and requirements as set forth in this chapter.
- D. Penalties. Any person, firm, entity, or corporation who shall violate any provision of this section shall, upon conviction or a determination of liability thereof, be sentenced to pay a fine of not less than \$100 and not more than \$1,000 and/or to imprisonment not to exceed 90 days, in addition to any other remedies available to the City. Every day that a violation of this section continues shall constitute a separate offense.

§ 90-4 Testing.

No person shall conduct or test any alarm device without first obtaining permission from the Fire Department. Where the equipment is keyed through an intermediary, no such permission is necessary unless the alarm or signal is to be relayed to the central receiving station.

§ 90-5 Liability of municipality.

The issuance of any permit shall not constitute acceptance by the City of any liability to maintain any equipment, to answer alarms, nor otherwise render the City liable to any person for any loss or damage relating to the alarm system or procedure.

§ 90-6 Administration and enforcement.

[Amended 4-6-2017 by Ord. No. 1892]

The administration and enforcement of this chapter is the function of the City of Washington and shall include the following:

- A. Authority to refuse or revoke an occupancy permit because of a misrepresentation or false statement contained in any application, failure to correct any deficiencies in equipment or operation of an alarm device after receipt of due notice from the City, or not meeting other conditions and specifications of this chapter.
- B. Authority, at reasonable times and upon written notice, to enter upon any premises within the City to inspect the installation and operation of any alarm device by a City employee or appointed representative.

§ 90-7 Right to appeal.

Whenever, under the provisions of this chapter, the Fire Department is empowered to make a decision with respect to the installation, operation or monitoring or maintenance of any alarm device, or with respect to the denial or revocation of any permit relating thereto, any applicant for a permit or permit holder aggrieved by such decision may, within 10 days following the decision, file written appeal therefrom with the City Council of the City of Washington, whereupon the City Council shall promptly conduct a hearing within 30 days of the appeal petition and affirm, modify or reverse the decision appealed from. The decision of the City Council shall be final.

§ 90-8 Violations and penalties.

- A. Any person, firm or corporation who shall violate a provision of this chapter concerning the shall, upon conviction or a determination of liability thereof, be sentenced to pay a fine not less than \$100 and not more than \$1,000, plus the costs of prosecution and in default of payment, to imprisonment for a term not to exceed 30 days.
- B. Any person, firm or corporation who is responsible for a False Alarm shall be subject to the following penalties if there are more than two false alarms as defined in this Chapter during one calendar year:

| Offense | Penalty |
|-----------------|---------------------|
| 3 rd | \$50.00 |
| 4 th | \$75.00 |
| 5 th | \$100.00 |
| 6 th | Citation (§90-8(A)) |

- C. Any person, firm or corporation who is responsible for an Intentional False Alarm shall be subject to the following penalties:

| Offense | Penalty |
|-------------------|----------|
| 1 st | \$300.00 |
| 2 nd + | \$500.00 |

- D. Intentional False alarm and False alarm penalties shall be based on regularity of said false alarms as established and defined herein. Penalties may be changed from time to time by resolution of the City Council.