

ORDINANCE NO. 2007-34

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, RELATING TO FIRE, CRIMES; AND AMENDING CHAPTER 9.30 TO BE KNOWN AS FIRE, CRIMES RELATING TO; AMENDING SECTIONS 9.30.010 TO FIRE, CRIMES RELATING TO – STATUTES ADOPTED BY REFERENCE, 9.30.020 ARSON, RECKLESS BURNING – STATUTES ADOPTED BY REFERENCE, AND REPEALING SECTIONS PMC 3.12.060, 9.30.030, 9.30.040, 9.30.050, 9.30.060, 9.30.070, 9.30.080; AND AMENDING PMC 9.12.050 FEES – CORRECTIVE ACTION – DISCONNECTION, AND ADDING PMC 9.12.055 FALSE ALARMS – FEES, AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Poulsbo is concerned about the safety and welfare of its citizens; Now, Therefore,

THE CITY COUNCIL OF THE CITY OF POULSBO DO ORDAIN AS FOLLOWS:

Section 1. Chapter 9.30 of the Poulsbo Municipal Code is hereby amended to be read as follows: Chapter 9.30 FIRE, CRIMES RELATING TO.

Section 2. PMC 9.30.010 and Ordinance 97-33 Section 1 are hereby amended to read as follows:

9.30.010 Fire, crimes relating to - statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 9.40 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 9.40.040 Operating engine or boiler without spark arrester
- 9.40.100 Tampering with fire alarm or fire fighting equipment – false alarm
– penalties

Section 3. PMC 9.30.020 and Ordinance 2000-12 Section 1 are hereby amended to read as follows:

9.30.020 Arson, reckless burning - statutes adopted by reference

Pursuant to the authority contained in RCW 35A.12.140 the following sections of Chapter 9A.48 RCW as enacted or hereinafter amended are hereby adopted by reference as if fully set forth herein including penalties.

RCW

- 9A.48.010 Definition – arson, reckless burning and malicious mischief
- 9A.48.050 Reckless burning in the second degree

9A.48.060 Reckless burning – defense

Section 4. PMC 3.12.060 and Ordinance 2003-16 Section 49, PMC 9.30.030 and Ordinance 97-33 Section 1, PMC 9.30.040 and Ordinance 97-33 Section 1, 9.30.050 and Ordinance 97-33 Section 1, PMC 9.30.060 and Ordinance 97-33 Section 1, PMC 9.30.070 and Ordinance 97-33 Section 1, and PMC 9.30.080 and Ordinance 2004-01 Section 1 are hereby repealed.

Section 5. PMC 9.12.050 and Ordinance 2003-16 Section 24 are hereby amended to read as follows:

9.12.050 Fees – Corrective action – Disconnection

A. The police chief shall charge the owner of a burglar and/or robbery alarm an administrative fee as set for in Section 9.12.055(A) for the filing of each annual emergency response card with the police department pursuant to Section 9.12.030 of the Poulso Municipal Code.

B. For a police response to any false alarm, the city may charge and collect fees as set forth in Section 9.12.055(B) subject to the following requirements:

1. The police chief shall give notice of conditions and requirements of this chapter to the owner after a first response.

2. The police chief may charge the owner an administrative fee for a second response to the premises within six months after a first response as set forth in Section 9.12.055(B). The police chief may direct the owner to have authorized service personnel inspect the alarm at such premises and to take other corrective action as prescribed by the police chief. All costs of inspection and corrective action shall be borne by the owner. Following a second response to a false alarm, the owner shall, within five working days after notice to do so, make a written report to the police chief on a prescribed form setting forth:

- a. The cause of such false alarm;
- b. The corrective action taken;
- c. Whether and when such alarm has been inspected by authorized service personnel; and
- d. Such other information as the police chief may reasonably require to determine the cause of such false alarm, any mitigating circumstances and corrective action necessary.

3. The police chief may charge the owner an administrative fee for the third response to a premises within six months after a second response and for each succeeding response within six months of the most recent response as set forth in Section 9.12.055(B). Following a third response or any succeeding false alarm which occurs as a result of failure to take necessary corrective action prescribed under subsection (B)(2) of this section, the police chief may order the owner to disconnect such alarm until proof that the prescribed corrective action has been taken is provided to the Poulso police department; provided, however, that no disconnection shall be ordered for any premises required by law or administrative regulation to have an alarm system in operation.

Section 6. A new section is added to Chapter 9.12 of the Poulso Municipal Code to read as follows:

9.12.055 False Alarms – Fees

A. The administrative fee for filing each annual emergency response card with the police department shall be ten dollars.

B. False Alarm Police Response – Fees. The city may charge the following fees for police response to false alarms as specified in Chapter 9.30 of the Poulsbo Municipal Code.

1. No fee shall be charged for a first response to a premises at which no other false alarm has occurred within the preceding six-month period.

2. The fee for a second response within six months shall be twenty-five dollars.

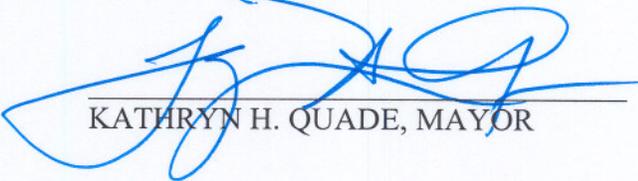
3. The fee for a third response and for each succeeding response within six months of the most recent response shall be fifty dollars.

Section 7. Severability

If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 8. Effective Date: This ordinance shall take effect and be in full force five (5) days after the publication of the attached summary, which is hereby approved.

APPROVED:



KATHRYN H. QUADE, MAYOR

ATTEST/AUTHENTICATED:

Karol Jones
CITY CLERK KAROL JONES, CMC

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY:

BY James E. Haney
JAMES E. HANEY

FILED WITH THE CITY CLERK: 9/24/2007
PASSED BY THE CITY COUNCIL: 10/3/2007
PUBLISHED: 10/20/2007
EFFECTIVE DATE: 10/25/2007
ORDINANCE NO. 2007-34

SUMMARY OF ORDINANCE NO. 2007-34

of the City of Poulsbo, Washington

On the 3rd day of October, 2007, the City Council of the City of Poulsbo, passed Ordinance No. 2007-34. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF POULSBO, WASHINGTON, RELATING TO FIRE, CRIMES; AND AMENDING CHAPTER 9.30 TO BE KNOWN AS FIRE, CRIMES RELATING TO; AMENDING SECTIONS 9.30.010 TO FIRE, CRIMES RELATING TO – STATUTES ADOPTED BY REFERENCE, 9.30.020 ARSON, RECKLESS BURNING – STATUTES ADOPTED BY REFERENCE, AND REPEALING SECTIONS PMC 3.12.060, 9.30.030, 9.30.040, 9.30.050, 9.30.060, 9.30.070, 9.30.080; AND AMENDING PMC 9.12.050 FEES – CORRECTIVE ACTION – DISCONNECTION, AND ADDING PMC 9.12.055 FALSE ALARMS – FEES, AND PROVIDING FOR SEVERABILITY AND ESTABLISHING AN EFFECTIVE DATE.

The full text of this Ordinance will be mailed upon request.

DATED this 4th day of October, 2007.

Karol Jones
CITY CLERK KAROL JONES, CMC