

**ORDINANCE NO. 4030**

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING ECC 5.21 (MISUSE OF THE 911 OR EMERGENCY CALL SYSTEM) TO CLARIFY THE DEFINITION OF “MISUSE” AND TO AMEND THE PENALTY PROVISIONS; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

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WHEREAS, the City of Edmonds has determined that there is a need for clarification of the definition of “misuse” in ECC 5.21 (Misuse of the 911 or Emergency Call System); and

WHEREAS, the City of Edmonds has determined that there is a need to amend the penalty provisions of that code section; and

WHEREAS, the City of Edmonds wishes to revise ECC 5.21 to clarify the definition of “misuse” and amend the penalty provisions as recommended by City staff; NOW, THEREFORE,

THE CITY COUNCIL OF THE CITY OF EDMONDS, WASHINGTON, DO ORDAIN AS FOLLOWS:

Section 1. Section 5.21 of the ECC Misuse of the 911 or Emergency Call System is hereby amended to read as follows (deleted text in strike-through; new text in underline):

**5.21.010 Purpose.**

This chapter is intended to reduce the number of false requests for emergency assistance or similar misuse of the 911 emergency response system which occur within the city and result in waste of city resources and/or the creation of a public safety risk by providing for certain penalties for such misuse.~~corrective administrative action, including fees and potential discontinuance of service for repeated violations.~~

**5.21.020 Definitions.**

The following persons or words used in this chapter shall be defined as set forth in this section:

A. “Person” includes any natural person, partnership, joint stock company, unincorporated association of society, or corporation of any character whatsoever; and

B. “Misuse of the 911 system” is a request for emergency response when no actual emergency exists and when the caller does not have a good faith basis to request

emergency assistance. This definition includes false reporting, as that term is defined under RCW 9A.84.040, and telephone harassment, as that term is defined under RCW 9.61.230. This chapter shall not be applicable to mechanical activations of requests for assistance which are dealt with in Chapter 5.20 ECC, nor shall it be interpreted to impose liability on any person who makes a good faith request for emergency assistance based on a reasonable factual basis that an emergency situation exists.

#### **5.21.030 Misuse of the 911 system – Designated.**

It shall be unlawful for any person to misuse the 911 system. It shall be an affirmative defense that the person charged has a good faith, reasonable factual basis for the request.

#### **5.21.040 Misuse of the 911 system – ~~Fees~~Penalties.**

Unless otherwise provided in this chapter or by state statute adopted by reference, any person violating any provision of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, be sentenced to a fine not to exceed \$1,000 and/or 90 days in jail.

~~A. The city shall impose the following administrative sanctions upon the request of the police or fire departments upon misuse of the emergency medical response system:~~

~~1. Upon a first response to a premises at which a request for emergency assistance has been made by misuse of the 911 system, notice of the conditions and requirements of this chapter shall be given to the person requesting emergency medical assistance. The notice shall indicate both penalties imposed by this chapter and that the city will cease to provide emergency medical response to any address following third misuse of the emergency medical response system within a 12-month period.~~

~~2. If a second response to a premises occurs as a result of misuse of the 911 system within a 12-month period, the person making such calls shall, within three working days after notice to do so submit a written report to the chief of police on a form prescribed by the city setting forth the reason for the misuse of the system, the corrective action taken, if any, and such other information as the chief of police or his designee may require to determine the cause for the misuse of the emergency medical response system, any mitigating circumstances and necessary corrective action which is called for. The chief of police or his designee shall be authorized to inspect the factual basis for the misuse of the emergency medical response system, describe necessary corrective action and give notice to the person or persons residing at such address the conditions and requirements of this chapter. All costs of inspection and corrective action shall be borne by the resident or residents of the premises.~~

~~3. If three or more responses to a residence occur within a six-month period based upon misuse of the 911 system, an administrative fee of \$500.00 shall be assessed with respect to each and every emergency response which has occurred within the 12-month period.~~

~~B. Monetary assessments imposed in accordance with this section shall be paid to the city clerk within 15 days of the date of notice. If the assessments are not paid within this period, the city clerk shall forward the matter to the city attorney for collection.~~

~~**5.21.050 Notice.**~~

~~Notice of imposition of any administrative decision or sanction, including the imposition of a monetary assessment, shall be given to the person(s) residing on such premises as well as the owner of premises as shown on the tax records of Snohomish County; provided, however, that with respect to a business premises, the owner, manager, or chief administrative agent regularly assigned and/or employed on the premises at the time of the occurrence of the deliberate misuse of the 911 system shall be presumed to be the person to whom notice shall be given.~~

~~**5.21.060 Penalty.**~~

~~Unless otherwise provided in this chapter or by state statute adopted by reference, any person violating any provision of this chapter shall be punished by fine not to exceed \$5,000. Such penalty shall be in addition to any fee imposed and/or discontinuation of emergency medical service.~~

~~**5.21.070 Resumption of service.**~~

~~In the event that any premises is sold or leased to new persons not responsible for such violations, the chief of police, upon receipt of written notification from the residents, shall lift the administrative order and resume regular emergency medical or police response in accordance with standard procedures.~~

Section 2.      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 3.      Effective Date. This ordinance, being an exercise of a power specifically delegated to the City legislative body, is not subject to referendum, and shall take effect five (5) days after passage and publication of an approved summary thereof consisting of the title.

APPROVED:

  
MAYOR DAVE EARLING

ATTEST/AUTHENTICATED:

  
CITY CLERK, SCOTT PASSEY

APPROVED AS TO FORM:  
OFFICE OF THE CITY ATTORNEY:

BY   
JEFFREY B. TARADAY

FILED WITH THE CITY CLERK:	June 17, 2016
PASSED BY THE CITY COUNCIL:	June 21, 2016
PUBLISHED:	June 26, 2016
EFFECTIVE DATE:	July 1, 2016
ORDINANCE NO.	4030

**SUMMARY OF ORDINANCE NO. 4030**

of the City of Edmonds, Washington

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On the 21<sup>st</sup> day of June, 2016, the City Council of the City of Edmonds, passed Ordinance No. 4030. A summary of the content of said ordinance, consisting of the title, provides as follows:

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING ECC 5.21 (MISUSE OF THE 911 OR EMERGENCY CALL SYSTEM) TO CLARIFY THE DEFINITION OF "MISUSE" AND TO AMEND THE PENALTY PROVISIONS; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

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

DATED this 22<sup>nd</sup> day of June, 2016.

  
CITY CLERK, SCOTT PASSEY

Affidavit of Publication

State of Washington }
County of Snohomish } ss

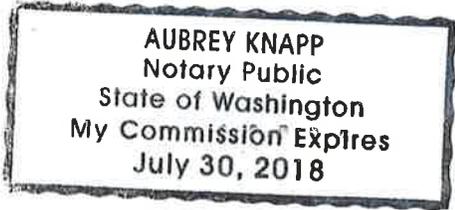
Kathleen Landis being first duly sworn, upon oath deposes and says: that he/she is the legal representative of the Everett Daily Herald a daily newspaper. The said newspaper is a legal newspaper by order of the superior court in the county in which it is published and is now and has been for more than six months prior to the date of the first publication of the Notice hereinafter referred to, published in the English language continually as a daily newspaper in Snohomish County, Washington and is and always has been printed in whole or part in the Everett Daily Herald and is of general circulation in said County, and is a legal newspaper, in accordance with the Chapter 99 of the Laws of 1921, as amended by Chapter 213, Laws of 1941, and approved as a legal newspaper by order of the Superior Court of Snohomish County, State of Washington, by order dated June 16, 1941, and that the annexed is a true copy of EDH707467 ORD. 4029-4035 as it was published in the regular and entire issue of said paper and not as a supplement form thereof for a period of 1 issue(s), such publication commencing on 06/26/2016 and ending on 06/26/2016 and that said newspaper was regularly distributed to its subscribers during all of said period.

The amount of the fee for such publication is \$87.72.

Kathleen Landis (handwritten signature)

Subscribed and sworn before me on this 27 day of June, 2016.

Aubrey Knapp (handwritten signature)



Notary Public in and for the State of Washington.

ORDINANCE SUMMARY  
of the City of Edmonds, Washington

On the 21st day of June, 2016, the City Council of the City of Edmonds, passed the following Ordinances, the summaries of the content of said ordinances consisting of titles are provided as follows:

ORDINANCE NO. 4029

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE STATE BUILDING CODE AND TITLE 19 OF THE EDMONDS COMMUNITY DEVELOPMENT CODE, ENTITLED "BUILDING CODES"

ORDINANCE NO. 4030

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING ECC 5.21 (MISUSE OF THE 911 OR EMERGENCY CALL SYSTEM) TO CLARIFY THE DEFINITION OF "MISUSE" AND TO AMEND THE PENALTY PROVISIONS; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

ORDINANCE NO. 4031

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING ECC 5.05 (ANIMAL CONTROL) TO ADD CERTAIN PENALTY PROVISIONS RELATING TO ANIMAL BITES; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

ORDINANCE NO. 4032

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING ECC 8.32 TO ADD AN "INATTENTIVE DRIVING" PROVISION; PROVIDING FOR SEVERABILITY; AND SETTING AN EFFECTIVE DATE.

ORDINANCE NO. 4033

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, REPEALING CHAPTER 10.50 OF THE EDMONDS CITY CODE AND DISSOLVING THE CITY'S PUBLIC LIBRARY BOARD.

ORDINANCE NO. 4034

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, AMENDING THE PROVISIONS THAT GOVERN THE CITIZENS' TREE BOARD.

ORDINANCE NO. 4035

AN ORDINANCE OF THE CITY OF EDMONDS, WASHINGTON, ADOPTING FINDINGS AND CONCLUSIONS AND APPROVING A CHANGE IN ZONING FOR ONE PARCEL LOCATED AT 21805 98th AVENUE WEST FROM OPEN SPACE (OS) TO SINGLE-FAMILY RESIDENTIAL (RS-8); AUTHORIZING AMENDMENT OF THE CITY'S OFFICIAL ZONING MAP; AND FIXING A TIME WHEN THE SAME SHALL BECOME EFFECTIVE.

The full text of these Ordinances will be mailed upon request.  
DATED this 22nd day of June, 2016.

Published: June 26, 2016. CITY CLERK, SCOTT PASSEY EDH707467

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