

ORDINANCE NO. 757

AN ORDINANCE RELATING TO ALARM SYSTEMS, REQUIRING ALARM USERS TO OBTAIN PERMITS, PROVIDING FOR ISSUANCE OF PERMITS AND REVOCATION THEREOF, PROHIBITING CERTAIN INTERCONNECTING AND AUTOMATIC DIALING PRACTICES, ALLOCATING REVENUES AND EXPENSES, PROVIDING FOR ADMINISTRATION OF THE ORDINANCE AND ALL OTHER MATTERS PERTAINING THERETO.

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. Title. This ordinance shall be known as "The Emergency Assistance Alarm Ordinance."

Section 2. Purpose and Scope.

- a. The purpose of this ordinance is to protect the emergency services of the City of Canby from misuse.
- b. This ordinance governs all emergency assistance alarm systems, requires permits, establishes fees, provides for allocation of revenues and deficits, provides for revocation of permits, provides for punishment or violations and establishes a system of administration.

Section 3. Definitions.

- a. "Alarm Business" means the business by any individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.
- b. "Alarm Center" means any location, other than the communications center where alarms are received from site within the City of Canby, and from which the Canby Police is requested to respond.
- c. "Alarm User" means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility wherein an alarm system is maintained.
- d. "Automatic Dialing Device" means a device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

- e. "Communications Center" is the City facility used to receive emergency and general information from the public to be dispatched to the police department field officers and Detective Bureau.
- f. "Coordinator" means the individual designated by the Chief of Police to issue permits and enforce the provisions of this ordinance.
- g. "Emergency Assistance Alarm System" means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which police are expected to respond.
- h. "False Alarm" means an alarm signal or request eliciting a response by police when a situation requiring a response by the police does not in fact exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.
- i. "Interconnect" means to connect an alarm system including an automatic dialing device to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.
- j. "Primary Trunk Line" means a telephone line servicing the Canby Police Department that is designated to receive emergency calls.
- k. "Chief of Police" means Director of Police Services for the City of Canby or his designated representative.

Section 4. Alarm Users Permits Required.

- a. Every alarm user shall obtain an alarm user's permit for each system from the coordinator's office upon the effective date of this ordinance or prior to use of an alarm system. Users of systems using different alarm capabilities shall obtain separate permits for each function. Application for an Emergency Assistance Alarm user's permit and an \$8.00 fee for each alarm shall be filed with the coordinator's office each year. Each permit shall bear the signature of the Chief of Police and be for a one (1) year period. The permit shall be physically upon the premises using the alarm system and shall be available for inspection by the Chief of Police.

- b. If a residential alarm user is over the age of sixty-five (65) and is the primary resident of the residence and if no business is conducted in the residence, a user's permit may be obtained from the coordinator's office according to Section 4(a) without the payment of a fee.
- c. A \$25.00 charge will be charged in addition to the fee provided in Section 4(a) to a user who fails to obtain a permit within sixty (60) days after the effective date of this ordinance, or who is more than sixty (60) days delinquent in renewing a permit.
- d. An alarm user required by federal, state, county, or municipal statute, regulation, rule or ordinance to install, maintain and operate an Emergency Assistance Alarm System shall be subject to this ordinance and may be issued a special alarm user's permit.
- e. An alarm user which is a governmental political unit shall be subject to this ordinance; but a permit shall be issued without payment of a fee.

Section 5. User Instructions.

- a. Every alarm business selling, leasing or furnishing to any user an alarm system which is installed on premises located in the area subject to this ordinance shall furnish the user with instructions that provide information to enable the user to operate the alarm system properly and to obtain service for the alarm system at any time.
- b. Standard form instructions shall be submitted by every alarm business to the Chief of Police within sixty (60) days after the effective date of this ordinance. If he reasonably finds such instructions to be incomplete, unclear or inadequate, he may require the alarm business to revise the instructions to comply with Section 5(a) and then to distribute the revised instructions to its alarm users.

Section 6. Automatic Dialing Device: Certain Interconnections Prohibited.

- a. It is unlawful for any person to program an automatic dialing device to select a primary trunk line; and it is unlawful for an alarm user to fail to disconnect or re-program an automatic dialing device which is programmed to select a primary trunk line within twelve (12) hours of receipt of written notice from the coordinator that it is so programmed.

- b. Within sixty (60) days after the effective date of this ordinance, all existing automatic dialing devices programmed to select a primary trunk line shall be reprogrammed or disconnected.
- c. It is unlawful for any person to program an automatic dialing device to select any telephone line assigned to the City of Canby; and it is unlawful for an alarm user to fail to disconnect or reprogram such device within twelve (12) hours of receipt of written notice from the coordinator that an automatic dialing device is so programmed.

Section 7. False Alarm: Fee.

- a. Special Alarm User Permit (as defined in Section 4(d) and 4(e)).
 - (i) Special Alarm Permits shall not be subject to revocation due to false alarms.
 - (ii) For each false alarm over five (5) in a permit year, upon written demand thereof by the Chief of Police, the holder of a Special User's Permit shall pay a fee of \$25.00.
- b. Governmental Political Unit (as defined in Section 4(e)).
 - (i) Shall not be subject to revocation due to false alarms.
 - (ii) For each false alarm over five (5) in a permit year, for each location, and upon written demand thereof by the Chief of Police, the holder of the alarm user's permit shall pay a fee of \$25.00.
- c. All other Alarm Permits.
 - (i) For each false alarm over five (5) in a permit year, for each location, and upon written demand by the Chief of Police, the holder of the alarm user's permit shall pay a fee of \$25.00.
- d. The payment of any fee provided for in Section 7 shall not be deemed to extend the term of the permit.
- e. Non-Permit User's False Alarms
 - (i) Alarm requests from alarm centers, as defined in Section 3(b), shall be subject to false alarm fees.

- (ii) For each false alarm request over five (5) in a calendar year, for each location, and upon written demand thereof by the Chief of Police, the resident, tenant, or owner shall pay a fee of \$25.00.

Section 8. False Alarms: Permit Revocation.

- a. Any Emergency Assistance Alarm System which has ten (10) or more false alarms within a permit year shall be subject to permit revocation as provided herein.
- b. If the Communication Center records ten (10) or more false alarms within a permit year for any Emergency Assistance Alarm System:
 - (i) The Chief of Police shall notify the alarm user and the alarm business providing service or inspection to the user by certified mail of such fact and direct that the user submit a report to the Chief of Police within ten (10) days of receipt of the notice describing actions taken or to be taken to discover and eliminate the cause of the false alarms.
 - (ii) If the alarm user submits a report as directed, the Chief of Police shall determine if the actions taken or to be taken will prevent the occurrence of false alarms; if he determines that the action will prevent the occurrence of false alarms, he shall notify the alarm user and the relevant alarm business in writing that the permit will not be revoked at that time and that if one more false alarm occurs within the permit year, the permit will be summarily revoked.
 - (iii) If no report is submitted, or if the Chief of Police determines that the actions taken or to be taken will not prevent the occurrence of false alarms, the Chief of Police shall give notice by certified mail to the user that the permit will be revoked without further notice on the tenth (10th) day after the date of the notice if the user does not file within that period a written request for a hearing.
 - (iv) If a hearing is requested, written notice of the time and place of the hearing shall be served on the user by the Chief of Police by certified mail at least ten (10) days prior to the date set for the hearing, which date shall not be more than twenty-one (21) nor less than ten (10) days after the filing of the request for hearing.

- (v) The hearing shall be before the Canby City Council, and the Chief of Police and the alarm user shall have the right to present written and oral evidence, subject to the right of cross examination. If the Council determines that ten (10) or more false alarms have occurred in a permit year, and that the user has not taken actions which will prevent the occurrence of false alarms, the Council shall issue written findings to that effect and may issue an order revoking the user's permit.
 - (vi) An alarm user whose permit has been revoked may apply for a revoked user's permit as provided below in Section 8(c). The Chief of Police shall not be required to issue a revoked user's permit, unless he is satisfied that the user's system has been properly serviced and its deficiencies corrected. The Chief of Police may impose reasonable restrictions and conditions upon the user, before issuing a revoked user's permit, which restrictions and conditions shall be written on the permit and shall provide for summary revocation on the occurrence of ten (10) false alarms in the permit year.
 - (vii) In situations permitting summary revocation under Sections 8(ii) or 8(vi), revocations shall be effective on the fifth (5th) day following the mailing by certified mail by the Chief of Police of a notice of revocation. There shall be no appeal of a summary revocation.
- c. A revoked user's permit shall be obtained from the coordinator's office by filing an application and paying a fee as follows:

First revoked user's permit in the permit year.....	<u>\$40.00</u>
Second revoked user's permit in the permit year.....	<u>\$100.00</u>
Third and each additional revoked user's permit in the permit year.....	<u>\$180.00</u>

Each permit shall bear the signature of the Chief of Police and shall bear the same expiration date as the revoked permit. The permit shall be physically upon the premises using the alarm system and shall be available for inspection by the Chief of Police.

Section 9. Confidentiality: Statistics.

- a. All information submitted in compliance with this ordinance shall be held in the strictest confidence and shall be deemed a public record from disclosure pursuant to state statute; and any violation of confidentiality shall be deemed a violation of this ordinance. The coordinator shall be charged with the sole responsibility for the maintenance of all records of any kind whatsoever under this ordinance.
- b. Subject to the requirements of confidentiality, the coordinator shall develop and maintain statistics having the purpose of assisting alarm system evaluation for use by members of the public.

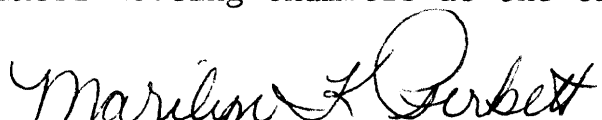
Section 10. Allocation of Revenues and Expenses.

- a. All fees, fines and forfeitures of bail collected pursuant to this ordinance shall be general fund revenue of the City of Canby.


Section 11. Enforcement and Penalties.

- a. Enforcement of this ordinance may be by civil action as provided in ORS 30.315, or by criminal prosecution.
- b. Violation of this ordinance shall be punished upon conviction by a fine of not more than \$500.
- c. The failure or omission to comply with any section of this ordinance shall be deemed a violation and may be so prosecuted, subject to the penalty provided in paragraph (b) of this section.

SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on October 3, 1984; ordered posted as required by the Canby City Charter and scheduled for second reading and action of the Canby City Council at a regular meeting thereof on, Wednesday, October 17, 1984, commencing at the hour of 7:30 o'clock p.m., at the Council Meeting Chambers at the Canby City Hall in Canby, Oregon.


 Marilyn K. Perkett, City Recorder

PASSED on final reading of the Canby City Council at a regular meeting thereof held on the 7th day of 1984, by the following vote: YEAS 6 NAYS 0


 Michael L. Garrison, Mayor

ATTEST:

 Marilyn K. Perkett, City Recorder