

ORDINANCE NO. 1357

AN ORDINANCE AMENDING CANBY MUNICIPAL CODE (CMC) CHAPTER 8.20 REGARDING EMERGENCY ASSISTANCE ALARMS.

WHEREAS, the City of Canby wishes to update the Canby Municipal Code pertaining to Emergency Assistance Alarms; and

THE CITY OF CANBY ORDAINS AS FOLLOWS:

Section 1. Section 8.20.030 of the CMC shall be amended to read as follows:

§ 8.20.030 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

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.

Alarm Center means any location, other than the communications center where alarms are received from sites within the city, and from which the police are requested to respond.

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.

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.

Chief of Police means Director of Police Services for the city or his or her designated representative.

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.

Coordinator means the individual designated by the Chief of Police to issue permits and enforce the provisions of this chapter.

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.

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.

Government Political Unit means a government, governmental subdivision or a governmental agency, including a county, city or special district.

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.

Primary Trunk Line means a telephone line servicing the Police Department that is designated to receive emergency calls.

Section 2. Section 8.20.040 of the CMC shall be amended to read as follows:

§ 8.20.040 Alarm user's permit required.

A. Every alarm user shall obtain an alarm user's permit for each system from ~~the coordinator's office~~ **the Police Department within 30 days of the alarm system becoming operational** ~~upon the effective date of the ordinance codified in this chapter 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 a fee for each alarm shall be filed with the ~~coordinator's office~~ **Police Department** every 12 months. Each permit shall bear the signature of the Chief of Police and be for a 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 or alarm coordinator.

B. If a residential alarm user is over the age of 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~~ **Police Department** according to division A. of this section without the payment of a fee.

C. A fee will be charged in addition to the fee provided in division A. of this section to a user who fails to obtain a permit within ~~15~~ **30 days the alarm system becoming operational** ~~after the effective date of the ordinance codified in this chapter,~~ or who is more than 15 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 chapter ~~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 chapter, but a permit shall be issued without payment of a fee.

(Am. Ord. 1327, passed 5-19-2010)

Section 1. Section 8.20.050 of the CMC shall be amended to read as follows:

§ 8.20.050 User instructions.

It is the responsibility of each alarm user to obtain instructions and information regarding their alarm system to ensure accurate operation and service of the alarm system. The alarm user should ensure that all potential users of the system receive the instructions and service information, including how to cancel a false alarm.

~~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 chapter 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 60 days after the effective date of the ordinance codified in this chapter. If he or she reasonably finds the instructions to be incomplete, unclear or inadequate, he or she may require the alarm business to revise the instructions to comply with division A. of this section and then to distribute the revised instructions to its alarm users.~~

Section 3. Section 8.20.070 of the CMC shall be amended to read as follows:

§ 8.20.070 False alarms; fee.

A. ~~Special Alarm User's Permit (as defined in division D. of § 8.20.040).~~ 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 not be subject to revocation due to false alarms; and

~~1. Special alarm permits shall not be subject to revocation due to false alarms; and~~

~~1.~~ **1.** For each false alarm over 2 during each ensuing 12-month period after a permit is issued or renewed, upon written demand thereof by the Chief of Police or alarm coordinator, the holder of a ~~special~~ user's permit shall pay a fee.

B. ~~Governmental Political Unit (as defined in division E. of § 8.20.030).~~

1. Shall not be subject to revocation due to false alarms; and

2. For each false alarm over 2 during each ensuing 12-month period after a permit is issued or renewed, for each location, and upon written demand thereof by the Chief of Police or alarm coordinator, the holder of an alarm user's permit shall pay a fee.

C. All Other Alarm Permits. For each false alarm over 2 during each ensuing 12-month period after a permit is issued or renewed, for each location, and upon written demand thereof by the Chief of Police or alarm coordinator, the holder of an alarm user's permit shall pay a fee.

D. Effect on Term. The payment of any fee provided for in this section shall not be deemed to extend the term of the permit.

E. Nonpermit User's False Alarms.

1. Alarm requests from alarm centers, as defined in § 8.20.030, shall be subject to

false alarm fees.

2. For each false alarm request over 2 in a calendar year, for each location, and upon written demand thereof by the Chief of Police or alarm coordinator, the resident, tenant or owner shall pay a fee.

(Am. Ord. 1327, passed 5-19-2010)

Section 4. Section 8.20.080 of the CMC shall be amended to read as follows:

§ 8.20.080 False alarms; permit revocation.

A. Any emergency assistance alarm system which has 7 or more false alarms during each ensuing 12-month period after a permit is issued or renewed shall be subject to permit revocation as provided in this section.

B. If the communication center records 7 or more false alarms during each ensuing 12-month period after a permit is issued or renewed, for any emergency assistance alarm system:

1. The Chief of Police shall notify the alarm user and the alarm business providing service or inspection to the user by certified mail of that fact and direct that the user submit a report to the Chief of Police within 10 days of receipt of the notice describing actions taken or to be taken to discover and eliminate the cause of the false alarms.

2. 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 or she determines that the action will prevent the occurrence of false alarms, he or she 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 1 more false alarm occurs within the permit year, the permit will be summarily revoked.

3. 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 day after the date of the notice if the user does not file within that period a written request for a hearing.

4. 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 10 days prior to the date set for the hearing, which date shall not be more than 21 nor less than 10 days after the filing of the request for hearing.

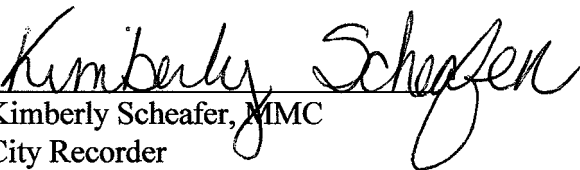
5. The hearing shall be before the City Council, and the Chief of Police and the alarm user shall have the right to present written and oral evidence, subject to the right of cross-examination. If the Council determines that 7 or more false alarms have occurred during each ensuing 12-month period after a permit is issued or renewed, 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.

6. In situations permitting summary revocation under division B.2. above and revocation following a hearing under division B.5. of this section, revocations shall be effective

revocation following a hearing under division B.5. of this section, revocations shall be effective on the fifth day following the mailing by certified mail by the Chief of Police or alarm coordinator of a notice of revocation. There shall be no appeal of a summary revocation.

C. Permits revoked pursuant to the above procedure shall be revoked for a period of 1 year. Any alarms received during the period the alarm permit is under revocation will result in a charge of \$100 per each alarm received. The charge or charges must be paid in full prior to reapplication for an alarm permit.

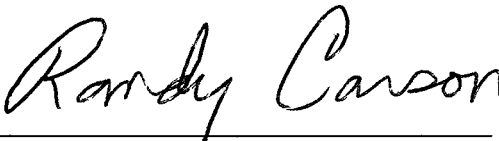
SUBMITTED to the Canby City Council and read the first time at a regular meeting thereof on Wednesday, May 2, 2012, and ordered posted in three (3) public and conspicuous places in the City of Canby as specified in the Canby City Charter and to come before the City Council for final reading and action at a regular meeting thereof on Wednesday, May 16, 2012, commencing at the hour of 7:30 P.M. in the Council Meeting Chambers located at 155 NW 2nd Avenue, Canby, Oregon.


Kimberly Scheafer, MMC
City Recorder


PASSED on second and final reading by the Canby City Council at a regular meeting thereof on the 19th day May 2010, by the following vote:

YEAS 6

NAYS 0


Randy Carson
Mayor

ATTEST:


Kimberly Scheafer, MMC
City Recorder