

ORDINANCE NO. 393-0

**AN ORDINANCE DEFINING ALARMS: PROVIDING FOR THEIR ABATEMENT, AND PENALTIES.**

**WHEREAS,** It is necessary for the interest of public safety for the City of Troutdale to adopt an Ordinance which outlines the procedure and process relating to alarm systems, and

**WHEREAS,** This Ordinance does require alarm users within the City of Troutdale to obtain permits, and

**WHEREAS,** There is a need to make provisions for the issuance of such permits, and

**WHEREAS,** There is a need to make provisions for the revocation thereof, and

**WHEREAS,** There is a need to prohibit certain interconnections and automatic dialing practices, and

**WHEREAS,** There is a need for the allocation of revenues and expenses, and

**WHEREAS,** There is a need for the provision of the administration of the Ordinance and all matters pertinent thereto, and declaring an emergency.

**NOW THEREFORE BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THAT:**

**Section 1. Title.**

This Ordinance shall be known as "The Burglary and Robbery Alarm Ordinance."

**Section 2. Purpose and Scope.**

- (a) The purpose of this Ordinance is to protect the emergency services of the City from misuse.
- (b) This Ordinance governs burglary and robbery alarm systems, requires permits, establishes fees, provides for allocation of revenues and deficits, provides for revocation of permits, provides for punishment of 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 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.
- (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) "Bureau of Emergency Communications" is the City/County facility used to receive emergency and general information from the public to be dispatched to the respective police departments utilizing the bureau.
- (f) "Burglary Alarm System" means an alarm system signaling an entry or attempted entry into the area protected by the system.
- (g) "Coordinator" means the individual designated by the Chief of Police to issue permits and enforce the provisions of this Ordinance.
- (h) "False Alarm" means an alarm signal, eliciting a response by police when a situation requiring a response by 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 Bureau of Emergency Communications that is designated to receive emergency calls.
- (k) "Robbery Alarm System" means an alarm system signaling a robbery or attempted robbery.

- (1) "Chief of Police" means Executive Officer of the Troutdale Police Department 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 both robbery and burglary alarm capabilities shall obtain separate permits for each function. Application for a burglar or robbery alarm user's permit and an **\$8.00** fee for each 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-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) 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	<b>\$40.00</b>
Second revoked user's permit in the permit year	<b>\$100.00</b>
Third and each additional revoked user's permit in the permit year	<b>\$180.00</b>

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.

- (c) 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 according to **Section 4(a)** without the payment of a fee.
- (d) 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.
- (e) An alarm user required by federal, state, county or municipal statute, regulation, rule or ordinance to install, maintain and operate an alarm system shall be subject to this Ordinance; provided:

- (i) A permit shall be designated a special alarm user's permit;
  - (ii) A special alarm user's permit for a system which has four (4) or more false alarms in a permit year shall not be subject to revocation under **Section 7**, but the holder of the permit shall pay a fee of **\$100.00** with the submission of the report required by **Section 7(b)(i)**;
  - (iii) For each false alarm over four (4) in a permit year, upon written demand therefore by the Chief of Police the holder of a special user's permit shall pay a fee of **\$25.00**;
  - (iv) The payment of any fee provided for in paragraphs (ii) and (iii) of this subsection shall not be deemed to extend the term of the permit.
- (f) 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 and shall not be subject to revocation, payment of additional fees or the imposition of any penalty provided herein.

#### **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 reprogram 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; 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 Alarms: Permit Revocation.**

- (a) Any alarm system which has four (4) or more false alarms within a permit year shall be subject to permit revocation as provided herein.
- (b) If the Bureau of Emergency Communications records four (4) or more false alarms within a permit year for any 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 (10) 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 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 City Council determines that four (4) 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 City Council shall issue written findings to that effect and an order revoking the user's permit.
- (vi) An alarm user shall immediately discontinue use of the alarm system upon being notified by certified mail of the revocation of a permit pursuant to **Section 7(iii)** or **Section 7(v)**.
- (vii) An alarm user whose permit has been revoked may apply for a revoked user's permit as provided in **Section 4(b)**. 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 four (4) false alarms in the permit year.
- (viii) In situations permitting summary revocation under **Section 7 (ii)** or **Section 7(vii)**, revocations shall be effective on the third (3) 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.

#### **Section 8. 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 exempt 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 9. Allocation of Revenues and Expenses.

- (a) All fees, fines and forfeitures of bail collected pursuant to this Ordinance or an Ordinance of a municipal corporation having the same purpose as this Ordinance and which is administered by Multnomah County officers or employees shall be general fund revenue of Multnomah County; provided, however, that Multnomah County shall maintain records sufficient to identify the sources and amounts of that revenue.
- (b) Multnomah County shall maintain records in accordance with sound accounting principles sufficient to determine on a fiscal year basis the direct costs of administering this Ordinance and ordinances of municipal corporations having the same purpose as this Ordinance and which are administered by Multnomah County officers or employees, including salaries and wages (excluding the Chief of Police individually), travel, office supplies, postage, printing, facilities, office equipment and other properly chargeable costs.
- (c) Not later than July 31 of each year, Multnomah County shall render an account to each municipal corporation having an Ordinance having the same purpose as this Ordinance and which is administered by Multnomah County officers or employees, which account shall establish the net excess revenue or cost deficit for the preceding fiscal year and shall allocate that excess revenue, if any, or deficit, if any, to the City and any municipal corporation entitled to an account proportionately as the number of permits issued for alarm systems within the corporate limits of the respective municipal corporations and the unincorporated areas of Multnomah County bears to the whole number of permits issued in Multnomah County; provided, that no allocation shall be made if the net excess revenue or deficit is less than **\$2,500.**
- (d) Distribution by the county of any excess revenue or payment of allocated deficit amounts by a municipal corporation shall be made not later than September 1 of each fiscal year.
- (e) "Sound accounting principles" as used in this Section, shall include, but not be limited to, practices required by the terms of any state or federal grant or regulations applicable thereto which relate to the purpose of this Ordinance.

## Section 10. Interpretation.

This Ordinance and any ordinance of a municipal corporation having the same purpose as this Ordinance and which is

administered by Multnomah County officers or employees shall be liberally construed to affect the purpose of this Ordinance and to achieve uniform interpretation and application of the respective ordinances.

**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, as provided in **ORS 203.810** for offenses under county law.
- (b) Violation of this Ordinance shall be punished upon conviction by a fine of not more than **\$500.00**.
- (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.

**PASSED BY THE COMMON COUNCIL OF THE CITY OF TROUTDALE THIS 28th DAY OF September, 1982.**

**YEAS:** 4

**NAYS:** 0

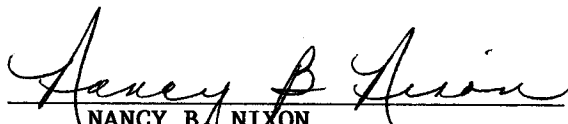
**ABSTAINED:** \_\_\_\_\_



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**R. M. STURGES, MAYOR**

**Date Signed:** 9-30-82

**ATTEST:**



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**NANCY B. NIXON**  
**FINANCE DIRECTOR/CITY RECORDER**