

ORDINANCE NO. 618

ORDINANCE OF THE CITY OF TROUTDALE AMENDING THE EXISTING BURGLARY AND ROBBERY ALARM CHAPTER 8 SECTION 12 RELATING TO DELETING BRACKETED SENTENCE TMC 8.12.070 SPECIAL PERMITS AND ADDING TO TMC 8.12.110 SOUND EMISSION CUTOFF FEATURE.

The Troutdale Municipal Code is hereby amended to read as follows:

TMC 8.12.070 Special Permits.

- B. An alarm user which is a governmental political unit shall be subject to this ordinance.

Subsection B is hereby added to TMC 8.12.110 to read as follows:

- B. When an alarm system can be heard outside a building, structure, or facility for more than 15 minutes continuously or intermittently, and the alarm owner or alarm company is not readily available or able to silence the device, it becomes a public nuisance and the police are authorized to physically disconnect the sounding device. The city shall not be liable for any cost of or associated with, disconnecting or reconnecting the alarm. The alarm owner shall be liable for such costs.

TMC 8.12.030 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 to which police are expected to respond.
- C. "Alarm User" means the person, firm, partnership, association, corporation, company or organization of any kind which owns, controls or occupies 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. Such a device is an alarm system.
- 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 Sheriff 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 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 serving 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.
- L. "Sheriff" means the Sheriff of Multnomah County or his designated representative.
- M. "No Response" means peace officers will not be dispatched to investigate a report of an alarm signal.

- N. "Chief of Police" means the Chief of Police of the law enforcement agency of the municipality in which the alarm has occurred, or his designated representative, and in municipalities which do not have a Chief of Police, the Mayor of the municipality or his designated representative.
- O. "Sound Emission Cutoff Feature" means a feature of an alarm system which will cause an audible alarm to stop emitting sound.
- P. "System Becomes Operative" means when the alarm system is capable of eliciting a response by police.
- Q. "Economically Disadvantaged Person" means a person receiving public assistance and/or food stamps.

TMC 8.12.040 Alarm Users Permits Required: fees.

- A. Every alarm user shall obtain an alarm user's permit for each system from the coordinator's office within 30 days of the time when the system becomes operative. 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 a \$12.00 fee for each shall be filed with the coordinator's office each year. Each permit shall bear the signature of the Sheriff 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 Sheriff.
- B. If a residential alarm user is over the age of 62 and/or is an economically disadvantaged person and is a 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 TMC 8.12.040 (A) without the payment of a fee.
- C. A \$25.00 charge will be charged in addition to the fee provided in TMC 8.12.040 (A) to a user who fails to obtain a permit within thirty (30) days after the system becomes operative, or more than thirty (30) days delinquent in renewing a permit.

- D. If an alarm user fails to renew a permit within 30 days after the permit expires, the coordinator will notify the alarm user, by certified mail, that, unless the permit is renewed and all fees and fines are paid within 30 days from the date of mailing of the certified letter, police response to the alarm will thereafter be suspended. If the permit is not renewed and all fees and fines are not paid the coordinator will suspend police response to the alarm and make notifications as provided in TMC 8.12.070 (B) 1 through 5.

8. TMC 8.12.050 Fines for Excessive False Alarms.

- A. Fines will be assessed by the coordinator for excessive false alarms during a permit year as follows:

Second and third false alarms\$50.00 each

Fourth and any additional false alarms ... \$100.00 each

- B. The coordinator will notify the alarm user and the alarm business by regular mail of a false alarm and the fine and the consequences of the failure to pay the fine. The coordinator will also inform the alarm user of his/her right to appeal the validity of the false alarm to the Sheriff, as provided in TMC 8.12.110. If the fine has not been received in the coordinator's office within 30 days from the day the notice of fine was mailed by the coordinator and there is no appeal pending on a validity of the false alarm, the coordinator will send the notice of fine by certified mail along with a notice of late fee of \$25.00. If payment is not received within ten days of the day the notice of late fee was mailed, the coordinator will initiate the no response process and may initiate the enforcement of penalties.

TMC 8.12.060 Is hereby repealed.

Renumber succeeding sections accordingly.

TMC 8.12.060 No Response to Excessive Alarms.

- A. After the second false alarm the coordinator shall send a notification to the alarm user by mail which will contain the following information:

- 1. that the second false alarm has occurred;

2. that if two more false alarms occur within the permit year the police will not respond to any subsequent alarms without the approval of the Sheriff or the Chief of Police;
 3. that the approval of the Sheriff or Chief of Police can only be obtained by applying in writing and within ten days of receipt of the Notice of Alarm from the coordinator (TMC 8.12.100 A).
- B. After the fourth false alarm within the permit year there will be no police response to subsequent alarms without approval of the Sheriff or the Chief of Police. The coordinator shall send a notification of the police response suspension to:
1. The Director of the Bureau of Emergency Communications;
 2. The Sheriff, if the alarm occurred in an unincorporated area; or
 3. The Chief of Police of the jurisdiction within which the alarm is located;
 4. The alarm user by certified mail; and
 5. The persons listed on the alarm user's permit who are to be contacted in case of emergency, by certified mail.
- C. The suspension of police response to an alarm shall begin ten days after the date of delivery of the Notice of Suspension of Service to the alarm user unless a written request for a False Alarm Validity Hearing has been made in the required time period as listed in TMC 8.12.100.

TMC 8.12.070 Special Permits.

- A. 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:
1. A permit shall be designated a special alarm user's permit;
 2. A special alarm user's permit for a system which has four false alarms in a permit year shall not be

subject to the no response procedure and shall pay the regular fine schedule.

3. The payment of any fine provided for in paragraph (2) of this subsection shall not be deemed to extend the term of the permit.

B. An alarm user which is a governmental political unit shall be subject to this ordinance.

TMC 8.12.080 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. The alarm business shall also inform each alarm user of the requirement to obtain a permit and where it can be obtained.

B. Standard form instructions shall be submitted by every alarm business to the Sheriff. If the Sheriff reasonably finds such instructions to be incomplete, unclear or inadequate, the Sheriff may require the alarm business to revise the instructions to comply with TMC 8.12.090 (A) and then to distribute the revised instructions to its alarm users.

TMC 8.12.190 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 an automatic dialing device is so programmed.

TMC 8.12.100 Hearing.

A. An alarm user who wants to appeal validity of a false alarm determination by the coordinator may appeal to the

Sheriff for a hearing. The appeal must be in writing and must be requested within 10 days of the alarm user having received notice of the alarm from the coordinator. Failure to contest the coordinator's determination in the required time period results in a conclusive presumption for all purposes that the alarm was false.

- B. If a hearing is requested, written notice of the time and place of the hearing shall be served on the user by the Sheriff 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.
- C. The hearing shall be before the Sheriff. The coordinator and the alarm user shall have the right to present written and oral evidence, subject to the right of cross-examination. If the Sheriff determines that the false alarms alleged have occurred in a permit year, the Sheriff shall issue written findings waiving, expunging or entering a false alarm designation on an alarm user's record at his discretion. If false alarm designations are entered on the alarm user's record, the coordinator shall pursue fine collection as set out in TMC 8.12.050.
- D. The Sheriff may appoint another person to be a hearings officer to hear the appeals and to render judgement.

TMC 8.12.110 Sound Emission Cutoff Feature.

- A. Alarm systems which emit audible sound which can be heard outside the building, structure or facility of the alarm user, shall be equipped with a sound emission cutoff feature which will stop the emission of sound 15 minutes or less after the alarm is activated.
- B. When an alarm system can be heard outside a building, structure, or facility for more than 15 minutes continuously or intermittently, and the alarm owner or alarm company is not readily available or able to silence the device, it becomes a public nuisance and the Sheriff is authorized to physically disconnect the sounding device. The county shall not be liable for any cost of, or associated with, disconnecting or reconnecting the alarm. The alarm owner shall be liable for such costs.

TMC 8.12.120 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 ORS 192.502 (3) and any violation of confidentiality 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.

TMC 8.12.130 Allocation of Revenues and Expenses.

- A. With the exception of four dollars of each permit fee paid by alarm users within the City of Portland, which shall be paid directly to the City of Portland, 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 Sheriff 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 county 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 no 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.

TMC 8.12.140 Interpretation.

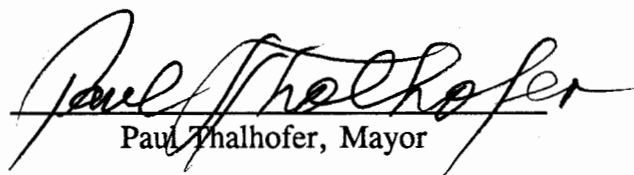
- A. This ordinance and any ordinance of a municipal corporation have the same purpose as this ordinance and which is administered by Multnomah County officers or employees shall be liberally construed to effect the purpose of this ordinance and to achieve uniform interpretation and application of the respective ordinance.

TMC 8.12.150 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.
- 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 COUNCIL OF THE CITY OF TROUTDALE THIS 24TH DAY OF
JANUARY, 1995.

YEAS: 6
NAYS: 1 (RIPMA)
ABSTAINED: 0


Paul Thalhofer, Mayor

Dated: JANUARY 25, 1995


George Martinez, City Recorder

Adopted: January 24, 1995