

ORDINANCE NO. 803

AN ORDINANCE AMENDING TMC CHAPTER 8.12, BURGLARY AND ROBBERY ALARMS, DEFINING COMMERCIAL AND RESIDENTIAL ALARM SYSTEMS, ADDING ALARM MONITORING TO THE DEFINITION OF ALARM BUSINESS, ADDING A PROVISION TO REQUIRE THAT AN ALARM BUSINESS PROVIDE A LIST OF ALARM LOCATIONS TO LAW ENFORCEMENT AGENCIES UPON REQUEST, REMOVING THE FEE SCHEDULE FROM THIS CHAPTER, AND MAKING OTHER CHANGES.

THE TROUTDALE CITY COUNCIL FINDS AS FOLLOWS:

1. The City of Troutdale contracts with Multnomah County to administer the City's Alarm Program as outlined in Troutdale Municipal Code Chapter 8.12.
2. The program is administered by the Multnomah County Sheriff's Office (MCSO).
3. A representative from Gresham Police, Troutdale Police, Wood Village, Maywood Park and Multnomah County Sheriff's Office makeup the Alarm Task Force.
4. The Alarm Task Force has considered desired updates to, *inter alia*, each jurisdiction's ordinance. The Task Force has reviewed and recommended changes to Troutdale Municipal Code Chapter 8.12.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TROUTDALE

Section 1. Troutdale Municipal Code, Sections 8.12.020, 8.12.030, 8.12.840, 8.12.050, 8.12.060, 8.12.070, 8.12.080, 8.12.090, 8.12.100, 8.12.110, 8.12.020, and 8.28.150, are amended to read as shown in Attachment A. Troutdale Municipal Code Sections 8.12.130 are 8.28.140 repealed.

YEAS: 7
NAYS: 0
ABSTAINED: 0

Mayor Jim Kight
Mayor Jim Kight
February 10, 2011
Date

Debbie Stickney
Debbie Stickney, City Recorder

Adopted: February 8, 2011

8.12.010 Title

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

8.12.020 Purpose and scope

- A. The purpose of this chapter is to encourage alarm users and alarm businesses to assume increased responsibility for maintaining the mechanical reliability and insuring the proper use of alarm systems to prevent unnecessary police emergency responses to false alarms and thereby to protect the emergency response capability of the county from misuse.
- B. This chapter governs burglary and robbery alarm systems, requires permits, establishes fees, provides for allocation of revenues and deficits, provides for fines for excessive false alarms, provides for no response to alarms, provides for punishment of violations and establishes a system of administration.
- C. Revenue generated in excess of costs to administer this chapter shall be allocated to the use of participating law enforcement agencies to recover costs associated with alarm response and for public education and training programs in reduction of false alarms.

8.12.030 Definitions

As used in this chapter:

"Alarm business" means the business by any individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, monitoring, 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 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 law enforcement officers alerted.

"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.

"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.

"Bureau of Emergency Communications" means the city/county facility used to receive emergency and general information from the public to be dispatched to the respective law enforcement departments utilizing the bureau.

"Burglary alarm system". An alarm system signaling a robbery, an entry or attempted entry into the area protected by the system.

"Commercial Alarm System". An alarm system maintained in a building, structure or facility that is not primarily used as the alarm system user's residence.

"Economically disadvantaged person" means a person receiving public assistance and/or food stamps.

"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. An alarm is not considered false if the alarm signal is caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user, including but not limited to, evidence of a crime or an attempted crime; notice from the alarm business that the system is faulty before the officers arrive on the scene or notice from alarm business operator that the system or the user errored before an officer arrives on the scene.

"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.

"No response" means law enforcement officers will not be dispatched to investigate a report of an alarm signal.

"Residential Alarm System". An alarm system maintained in a building, structure or facility that is primarily used as the alarm system user's residence.

"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.

"Sheriff" means the sheriff of Multnomah County or his designated representative.

"System becomes operative" means when the alarm system is capable of eliciting a response by police.

8.12.040 Alarm permits required; Payments of Permit Fees and Other Fees

- A. Every alarm user, including but not limited to users of any non-monitored alarm systems, must obtain an alarm permit for each system from the Sheriff within thirty days of the time when the system becomes operative. Users of commercial alarm systems having both manual and automated alarm capabilities must obtain separate permits for each function.
- B. Permits issued under this subchapter expire annually on March 31. Application for an alarm user's permit fees as set by City Council resolution must be filed with the Sheriff each year. The permit fees must be postmarked to the Sheriff on or before midnight March 31 of the preceding permit year.
- C. If a residential alarm user is over the age of sixty-five (65) 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 Sheriff according to subsection (A) and (B) of this section for a reduced fee as set by City Council resolution.
- D. Each permit will bear the signature of the Sheriff and must be physically upon the premises where the

alarm system is used and available for inspection by the Sheriff. If a law enforcement officer is dispatched to investigate a report of an alarm signal and a valid permit is not available for inspection, the alarm user must pay a fee set by City Council resolution and obtain a permit within thirty (30) days of the date of dispatch.

- E. A late fee in an amount set by City Council resolution will be charged in addition to the fee provided in this subsection to an alarm user who fails to obtain a permit within thirty (30) days after the system becomes operative, or more than thirty days delinquent in renewing a permit.
- F. If an alarm user fails to renew a permit within thirty (30) days after the permit expires, the Sheriff will notify that alarm user that, unless the permit is renewed and all the fees are paid within thirty (30) days of receipt of the notice, the Sheriff will initiate the no response process. If the permit is not renewed and all fees paid, the Sheriff will initiate the no response process and make notifications as provided in section 060 of this chapter.

8.12.050 Excessive false alarms; Fees

- A. After the fourth alarm within the permit year there may be no law enforcement response to subsequent alarms without approval of the Chief of Police.
- B. After a false alarm, the Sheriff will also notify the alarm user that:
 - 1. After the fourth false alarm within the permit year, there may be no response to subsequent alarms without the approval of the Chief of Police; and
 - 2. Approval of the Chief of Police may only be obtained by applying in writing for reinstatement. The Chief of Police may reinstate the alarm user upon a finding that reasonable effort has been made to correct the false alarms.
- C. Fees for excessive false alarms will be assessed by the Sheriff as set by City Council resolution.
- D. The Sheriff will notify the alarm user of a false alarm, the fees for excessive false alarms, if any, and the consequences of the failure to pay the fees. The Sheriff will also inform the alarm user of his or her right to appeal the validity of the false alarm to the Sheriff as provided in section 100 of this chapter.
- E. A late fee in an amount set by City Council Resolution will be charged in addition to the fee provided in subsection (C) to an alarm user who fails to pay the excessive false alarm fees within 30 days after receipt of the notice.
- F. If a residential alarm user fails to pay the excessive false alarm fee within thirty (30) days after the date of the initial notice and no appeal hearing is pending, the Sheriff will notify the alarm user that unless all fees are paid within seven (7) days of the date of notice, the Sheriff will initiate the no

response process. If payment is not received within seven (7) days of the date of the notice, the Sheriff will initiate the no response process, make notifications as provided in section 060 of this chapter and may initiate the enforcement of penalties.

- G. If a commercial alarm system user fails to pay the excessive false alarm fee within thirty (30) days after the date of the initial notice and no appeal hearing is pending, the Sheriff will notify the alarm user that unless all fees are paid within seven (7) days of the date of notice, the Sheriff will initiate the no response process, make notifications as provided in section 060 of this chapter and may initial the enforcement of penalties.

8.12.060 No response: Reinstatement fee

- A. When the no response process is initiated, the Sheriff shall notify:
 - 1. The Bureau of Emergency Communications
 - 2. The alarm system user.
 - 3. Any alarm business employed by the alarm user if known.
- B. No response to an alarm will begin seven (7) days after the date of the notices provided above unless a written request for a false alarm validity hearing has been made in the time period required under section 100 of this chapter.
- C. If a no response order is issued by the Sheriff, a reinstatement fee as set by City Council resolution will be charged in addition to any outstanding fees, fines and penalties.

8.12.070 Special permits

- A. The following alarm users will be issued a special permit:
 - 1. An alarm user required by federal, state, county or municipal law to install, maintain and operate an alarm system; or
 - 2. A federal, state or local government unit.
- B. Special permit holders must pay the regular permit fee, but are not subject to the no response procedure under this subchapter.
- C. Any alarm user that is a federal government agency is not liable for false alarm fees.

8.12.080 Alarm Business Responsibilities

Every alarm business must:

- A. 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. Notify the user of the requirement to get a permit and give the user a copy of the application necessary to obtain a permit.

- C. Give the user a copy of the county notice that outlines the consequences of generating false alarms, including possible fees, penalties and fines, and such other forms and notices as required by the county.
- D. Maintain a list of all active alarm customers and provide this list to the Multnomah County Sheriff's Office upon request.

8.12.090 Automatic dialing device; Certain interconnections prohibited

It is unlawful for any person to program an automatic dialing device to select any telephone line assigned to a government agency related to emergency response, 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 Sheriff that an automatic dialing device is so programmed.

8.12.100 Hearing

- A. An alarm user who wants to appeal validity of a false alarm determination may appeal to the Sheriff for a hearing. The appeal must be in writing and must be received by the Sheriff within fourteen (14) days from the date of the notice. Failure to contest the 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, the Sheriff will notify the alarm user of the time and place of the hearing no later than ten (10) days prior to the hearing date which date shall not be more than twenty-one (21) nor less than ten (10) days after the request for hearing is received unless agreed upon by both parties.
- C. The hearing shall be before a hearings officer. The alarm user has the right to present written and oral evidence, subject to the right of cross-examination. If the Sheriff determines that the alleged false alarms occurred in a permit year, the Sheriff will issue written findings waiving, expunging or entering a false alarm designation on an alarm user's record at the Sheriff's discretion. If false alarm designations are entered on the alarm user's record, the may find that the alarm user is liable for hearings officer and witnesses and will pursue fee collection as set out in this chapter.

8.12.110 Sound emission cutoff feature required

- 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 fifteen (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 fifteen minutes continuously or intermittently, it becomes a public nuisance and the Chief of Police is 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.

8.12.120 Statistics

A Subject to the requirements of confidentiality, the Sheriff will develop and maintain statistics having within reason for the purpose of evaluating member service for the municipalities and alarm companies.

8.12.150 Enforcement and penalties

- A. Enforcement of this chapter may be by civil action as provided in ORS 30.315
- B. Violation of this chapter shall be punished upon conviction by a fine of not more than five hundred dollars.
- C. The failure or omission to comply with any section of this chapter shall be deemed a violation and may be so prosecuted, subject to the penalty provided in paragraph B of this section.