

A BILL FOR AN ORDINANCE CREATING
A NEW CHAPTER TO THE LEBANON
MUNICIPAL CODE, CHAPTER 5.48,
BURGLARY AND ROBBERY ALARMS, AND
DECLARING AN EMERGENCY.

) ORDINANCE BILL NO. 2
) For 1991
)
) ORDINANCE NO. 2094
)

WHEREAS, the City Council of the City of Lebanon finds that unnecessary police emergency responses to false alarms within the City of Lebanon cause an unnecessary use of emergency response capability of the Lebanon Police Department; and

WHEREAS, the Council further finds that it is in the best interests of the people of the City of Lebanon to maintain emergency response capabilities at the highest level; and

WHEREAS, the Council further finds that conditions exist within the boundaries of the City of Lebanon whereby many false alarms occur because of the improper use of alarm systems;

NOW, THEREFORE, the people of the City of Lebanon do ordain as follows:

Section 1. Lebanon Municipal Code, Chapter 5.48, Burglary and Robbery Alarms, is hereby established to read as follows:

Chapter 5.48

BURGLARY AND ROBBERY ALARMS

Sections:

- 5.48.010 Policy.
- 5.48.020 Purpose.
- 5.48.030 Definitions.
- 5.48.040 Sound emission cut off feature.
- 5.48.050 False alarms.
- 5.48.060 Right of appeal.
- 5.48.070 Confidentiality.
- 5.48.080 Enforcement and penalties.

Chapter 5.48

BURGLARY AND ROBBERY ALARMS

5.48.010 Policy. This chapter governs burglary and robbery alarms, establishes acceptable standards, and establishes a system for administrators.

5.48.020 Purpose. This chapter is to encourage alarm users to assume increased responsibility for maintaining the mechanical reliability and the proper use of alarm systems. The goal of the chapter is to prevent unnecessary police emergency responses to false alarms and thereby to protect the emergency response capability of the City from misuse.

5.48.030 Definitions. For the purpose of this chapter, the following mean:

(1) Alarm User. A person or other entity in control of any building, structure, or facility in which a burglary alarm or robbery alarm is maintained.

(2) Alarm System. A burglary or robbery alarm as defined herein.

(3) Burglary Alarm. An alarm system designed to signal an entry or attempted entry into a protected area requiring urgent attention to which police are requested to respond.

(4) Robbery Alarm. An alarm system designed to signal a robbery or attempted robbery requiring urgent attention to which police are requested to respond.

(5) False Alarm. Any burglary or robbery alarm requesting a response by police personnel when a situation requiring such response does not in fact exist. It does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm user.

5.48.040 Sound Emission Cut Off Feature. 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 cut off feature which will stop the emission of sound 15 minutes or less after the alarm is activated.

5.48.050 False Alarms. Surcharges for false alarms will be assessed to the alarm user by the Chief of Police, or his designee, for excessive false alarms during a 12 month period,

except for a period of 60 days after the installation of a new alarm system, as follows:

3rd False Alarm	\$ 25.00 (each)
4th thru 9th False Alarm	35.00 (each)
10th and additional False Alarm	50.00 (each)

The Chief of Police, or his designee, will notify the alarm user of the false alarm, by mail. Failure to receive such notice will not be a defense to the imposition of the surcharge. The notification will include information for the user as to how many false alarms have been recorded during the preceding 12 month period and the consequences of not complying with this chapter. In the event the false alarm meets the criteria for one of the required surcharges, the notification will also inform the alarm user of his/her right to appeal the validity of the false alarm and the procedures for such appeal.

5.48.060 Right to Appeal.

(1) Any alarm user who has been notified of a false alarm, or assessed a false alarm surcharge may appeal the determination that the alarm was a false alarm or the surcharge, to the City Administrator, by giving written notice to the City Administrator of said appeal. Such notice must be received by the City Administrator within thirty (30) days of the date of mailing of the false alarm notice. Failure to contest the determination of the Chief of Police, or his designee, within the time period set forth above results in a conclusive presumption for all purposes that the alarm was false.

(2) If a hearing is requested, written notice of the time and place of the hearing shall be mailed to the user by certified mail at least ten (10) days prior to the date set for hearing to an address designated by the user in the notice of appeal..

(3) The hearing shall be before the City Administrator. The alarm user shall have the right to present written and oral evidence. The City Administrator shall issue written findings waiving, expunging, or entering a false alarm designation on the alarm user's record. If false alarm designations are entered on the alarm user's record and surcharges are thereby due, such surcharges must be paid within thirty (30) days of notification of the decision on appeal.

(4) The City Administrator may appoint another person to be a hearings officer to hear the appeals and to render judgment.

(5) The decision rendered shall be final.

5.48.070. Confidentiality. All information gained by the Chief of Police, or his designees, or the City Administrator, for the determination of a false alarm pursuant to this chapter shall be held in the strictest confidence and shall be deemed a public record exempt from disclosure pursuant to State statute.

5.48.080. Enforcement and Penalties.

(1) Violation of any provision of this chapter shall be punishable subject to the penalties set forth in LMC 1.12.010.

(2) The remedies contained herein are cumulative and in addition to any and all other enforcement remedies available at law.

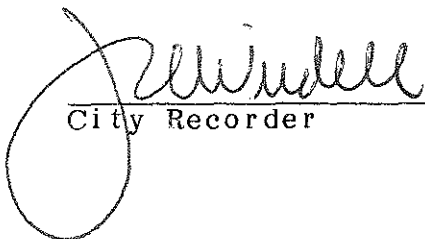
Section 2. Inasmuch as the provisions of this Ordinance are necessary for the immediate preservation of the peace, health, and safety of the people of the City of Lebanon, an emergency is hereby declared to exist, and this Ordinance shall be in full force and effect immediately upon its passage by the Council and approval by the Mayor.

Passed by the Council of the City of Lebanon by a vote of 6 for and 0 against, and approved by the Mayor this 27 day of MARCH, 1991.



MAYOR

ATTEST:



City Recorder