

A BILL FOR AN ORDINANCE AMENDING)	Ordinance Bill No. <u>2316</u>
LEBANON MUNICIPAL CODE)	for 2002
CHAPTER 5.48, BURGLAR AND)	Bill Number 29
ROBBERY ALARMS)	

THE PEOPLE OF THE CITY OF LEBANON DO ORDAIN AS FOLLOWS:

Section 1. Chapter 4.48 of the Lebanon Municipal Code, Burglary and Robbery Alarms, is amended to read as follows:

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 this chapter is to prevent unnecessary police emergency responses to false alarms and thereby to protect the emergency response capability of the city from misuse.

5.48.025 Permit Required. No person shall install, or cause to install or connect, an alarm system on any property without first obtaining an alarm system permit from the Chief of Police. No person shall, after having a permit revoked or suspended, fail to disconnect an audible alarm or, in the case of a silent alarm, continue to relay emergency signals to the communications center. The fee for said permit shall be as established by City Council Resolution.

5.48.030 Definitions.

For the purpose of this chapter, the words set out in this section have the following meanings:

- A. "Alarm user" means a person or other entity in control of any building, structure, or facility in which a burglary alarm or robbery alarm is maintained.
- B. "Alarm system" means a burglary or robbery alarm as defined herein.
- C. "Burglary alarm" means 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.
- D. "Robbery alarm" means an alarm system designed to signal a robbery or attempted robbery requiring urgent attention to which police are requested to respond.

E. "False alarm" means 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 cutoff 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 cutoff feature which will stop the emission of sound fifteen minutes or less after the alarm is activated.

5.48.050 False alarms.

A. 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 twelve-month period, except for a period of sixty days after the installation of a new alarm system, as established by City Council Resolution.

B. 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 twelve-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.

A. 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 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.

B. 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 days prior to the date set for hearing to an address designated by the user in the notice of appeal.

C. 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 days of notification of the decision on appeal.

D. The city administrator may appoint another person to be a hearings officer to hear the appeals and to render judgment.

E. 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.

A. Violation of any provision of this chapter shall be punishable subject to the penalties set forth in Section 1.12.010.

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

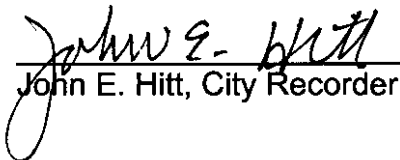
Section 2. The provisions of this ordinance shall become effective thirty days after its passage by the City Council.

Passed by the City Council by a vote of 4 for and 0 against on July 17, 2002.



J. Scott Simpson, Mayor
Ken Toombs, Council President

Attest:



John E. Hitt, City Recorder