

ORDINANCE NO. 854

AN ORDINANCE OF THE CITY OF SCAPPOOSE RELATING TO ALARM SYSTEMS AND AMENDING SCAPPOOSE MUNICIPAL CODE 8.04

WHEREAS, the City of Scappoose provides police response to residential and business alarms; and

WHEREAS, Chapter 8.04 of the Scappoose Municipal Code regulates alarm systems in the City, including requirements to obtain an alarm permit and penalties for violations; and

WHEREAS, additional changes are needed to Chapter 8.04 in order update the chapter to current protocols of the Scappoose Police Department.

NOW, THEREFORE, THE CITY OF SCAPPOOSE ORDAINS AS FOLLOWS:

Section 1. Chapter 8.04 of the Scappoose Municipal Code shall be amended to read as shown on the attached Exhibit A (additional language underlined and deleted language ~~stricken~~)

Section 2. Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

Section 3. Effective Date. This ordinance shall go into effect 30 days after passage.

CITY OF SCAPPOOSE, OREGON



Scott Burge, Mayor

First Reading: February 16, 2016

Second Reading: March 7, 2016

Attest: 

Susan M. Reeves, MMC
City Recorder

Chapter 8.04

ALARM SYSTEMS

Sections:

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8.04.010 Title. The ordinance codified in this chapter shall be known as the burglary and robbery alarm ordinance. (Ord. 562 §1, 1990)

8.04.020 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 the proper use of alarm systems, to prevent unnecessary police emergency response to false alarms, and thereby protect the emergency response capability of the city 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, no response to alarm, provides for punishment of violations and establishes a system of administration.

C. Revenue generated in excess of costs to administer this chapter may be allocated in accordance with Section 8.04.130, at the discretion of the city council, for public education and training programs to reduce false alarms. (Ord. 562 §2, 1990)

8.04.030 Definitions. "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.

"Alarm system" means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity, other than the occurrence of a fire, requiring urgent attention and to which police are expected to respond.

"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.

"Burglary alarm system" means an alarm system signaling an entry or attempted entry into the area protected by the system.

"Chief of police" or "Chief" means the chief of police for the city, or a designated representative.

"Coordinator" means the individual designated by the chief of police to issue permits and enforce the provisions of this chapter.

~~"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 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.

"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 a police officer will not be dispatched to investigate a report of an alarm signal.

"Physically handicapped person" means a person who has a disability of locomotor or neurological origin which constitutes a disadvantage or restriction in one or more aspects of daily living activities, including work.

"Primary trunk line" means a telephone line serving the police department that is designated to receive emergency calls.

"Robbery alarm system" means an alarm system signaling a robbery or attempted robbery.

"Sound emission cutoff feature" means a feature of an alarm system which will cause an audible alarm to stop emitting sound.

"System becomes operative" means when the alarm system is capable of eliciting a response by police. (Ord. 562 §3, 1990)

8.04.040 Alarm user's permit required. A. Every alarm user shall obtain an alarm user's permit for each system from the coordinator's office within thirty days of the time when the system becomes operative. Users of systems with both robbery and burglary alarm capabilities shall obtain separate permits for each function. Applications for a burglar or robbery alarm user's permit shall be filed with the coordinator's office each calendar

year. Each permit shall bear the signature of the chief and be for a one calendar year period. The permit shall be physically upon the premises and conspicuously posted ~~by~~ near the alarm control device and shall be available for inspection by any police officer or department representative upon demand.

B. An initial fee, renewal fee, late fee, and any penalty fees shall be established by the council by resolution.

C. If a residential alarm user is over the age of sixty-two and/or is an ~~economically disadvantaged person~~ a physically handicapped 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 subsection A of this section without the payment of a fee. The decision to waive the fee pursuant to this subsection shall be made by the coordinator and may be appealed to the city manager, whose decision is final.

D. An alarm user who is more than thirty days delinquent in renewing a permit shall be subject to a fee not to exceed the initial fee set by resolution of the council. (Ord. 566 §§2--4, 1991; Ord. 562 §4, 1990)

8.04.050 Fines for excessive false alarms. A. Fines will be assessed by the coordinator for excessive false alarms during a permit calendar year, such fines to be set by resolution of the council.

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 city, as indicated in Section 8.04.100. If a fine has not been received in the coordinator's office within thirty days of the day notice of fine was mailed by the coordinator, and there is no appeal pending on the validity of the false alarm, the coordinator will send the notice of fine by certified mail along with a notice of late fee ~~of fifty dollars.~~ 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 as set forth in Section 8.04.130.

C. ~~On the fourth false alarm, in addition to the fine, the alarm user shall submit to the coordinator a letter specifying what corrective action has been taken to prevent false alarms. Upon authorization of the alarm user, the alarm company may submit the required letter.~~ (Ord. 562 §5, 1990)

8.04.060 No response to excessive alarms. A. ~~After the sixth~~ Upon the third false alarm by the alarm user in a calendar year, the coordinator shall send a notification to the alarm user by certified mail which will contain the following information:

1. That the ~~sixth~~ third false alarm has occurred;
2. That if two or more additional false alarms occur within the ~~permit~~ calendar year the police will not respond to any subsequent alarms without the approval of the chief of police;
3. That the approval of the chief of police can only be obtained by applying in writing for reinstatement or for a new permit upon

expiration of the former permit. The chief of police may reinstate response to alarms or approve a new alarm permit if reasonable effort has been made to correct the false alarms;

4. That the alarm user has the right to contest the validity of a false alarm determination through a false alarm validity hearing, pursuant to Section 8.04.100. The request for such a hearing must be in writing and within ten days of the receipt of the notice of the false alarm. ~~(See Section 8.04.100.)~~

B. After the ~~eighth~~ fifth false alarm within the ~~permit~~ calendar year there will be no police response to subsequent alarms without approval of 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 chief of police of the jurisdiction within which the alarm is located;
3. The alarm user, by certified mail; and
4. 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 the 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 as required in Section 8.04.100.
(Ord. 562 §6, 1990)

8.04.070 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. The following shall constitute special requisites and rules for the entities described in this subsection:

1. A permit shall be designated a special alarm user's permit;
2. A special alarm user's permit for a system which has eight false alarms in a permit year shall not be subject to the no response procedure, but shall pay the regular fine schedule and shall submit the letter required by Section 8.04.050;
3. The payment of any fine provided for in subsection (A) (2) of this subsection shall not be deemed to extend the term of the permit.

B. An alarm user which is a governmental body or unit shall be subject to this chapter, but a permit shall be issued without payment of a fee and shall not be subject to: (1) fine; (2) payment of additional fees; or (3) the imposition of any penalty provided in this chapter. (Ord. 562 §7, 1990)

8.04.080 User instruction. A. Every alarm business selling, leasing or furnishing to any user an alarm system which is installed on the premises located in the area subject to this chapter shall furnish the user with instructions that provide information to enable the user to operate 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. The standard form instruction shall be submitted by every alarm business to the coordinator. If the coordinator reasonably finds such

instructions to be incomplete, unclear or inadequate, the coordinator may require the alarm business to revise the instructions to comply with subsection A of this section and then to distribute the revised instruction to its alarm users. (Ord. 562 §8, 1990)

8.04.090 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 or 911 prefix requiring police response. ~~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 or 911 prefix requiring police response within twelve hours of receipt of written notice from the coordinator that it is so programmed.

B. 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 hours of receipt of written notice from the coordinator that an automatic dialing device is so programmed. (Ord. 562 §9, 1990)

8.04.100 Hearing. A. An alarm user who wants to appeal the validity of a false alarm determination by the coordinator may appeal to the city manager for a hearing ("false alarm validity hearing"). The appeal must be in writing and must be requested within ten days of the alarm user having received notice of the false alarm. Failure to contest the determination in the required time period results in a conclusive presumption 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 coordinator by certified mail at least ten days prior to the date set for the hearing, which date shall not be more than twenty-one nor less than ten days after the filing of the request for hearing.

C. The hearing shall be before the city manager. 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 city manager determines that the false alarms alleged have occurred in a permit year,~~ At the conclusion of the hearing, the city manager shall issue written findings waiving, expunging or entering a false alarm designation on an alarm user's record as appropriate. If false alarm designations are entered on the alarm user's record, the coordinator shall pursue fine collection as set out in section 8.04.140. (Ord. 562 §10, 1990)

8.04.110 Sound emission cutoff feature. Alarm systems 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. (Ord. 562 §11, 1990)

8.04.120 Confidentiality and statistics. A. All information submitted in compliance with this chapter shall be held in the strictest confidence and shall be deemed a public record exempt from disclosure pursuant to ORS Chapter ~~192-503(3)~~. The coordinator shall be charged with the sole

responsibility for the maintenance of all records of any kind whatsoever under this chapter.

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. (Ord. 562 §12, 1990)

8.04.130 Allocation of revenues and expenses. A. All fees, and fines, and forfeitures of bail collected pursuant to this chapter which is administered by the chief of police or employees shall be general fund revenue of the city, provided, however, that the city shall maintain records sufficient to identify the sources and amounts of that revenue.

B. The chief shall maintain records in accordance with sound accounting principles sufficient to determine on a fiscal year basis the direct costs of administering this chapter.

C. All excess revenues collected pursuant to or deficits incurred because of this chapter shall be added or charged to the general fund revenue of the city, and the council has the discretion to use any excess funds as it sees fit. (Ord. 562 §13, 1990)

8.04.140 Enforcement and penalties. A. Enforcement of this chapter may be by civil action as provided in ORS 30.315, ~~or by criminal prosecution.~~

B. Violation of this chapter shall be punishable 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 subsection B of this section.

D. Collection of any fees or fines imposed by this chapter may be collected by any lawful means. (Ord. 562 §14, 1990)

8.04.150 Government Immunity. A. Alarm registration does not create a contract, duty, or obligation, either expressed or implied, of response to an alarm. All liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained.

B. The alarm user acknowledges that law enforcement response may be influenced by factors such as but not limited to the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, and prior response history.

8.04.160 Protective Sweep. A. Any person who obtains or renews an alarm permit after the date of enactment of this section are giving implied consent for the police to enter and perform a protective sweep of any building or residence where an alarm is activated, the building or residence is unsecured or shows signs of forcible entry, and no responsible person is immediately available to give or refuse consent to enter.

B. Any person refusing a protective sweep of a building or residence must notify the alarm coordinator of such in writing within ten (10) days of alarm permit issuance. Failure to do so will acknowledge protective sweep consent under the above situations.