

**GENERAL ORDINANCE NO. 90-1104****AN ORDINANCE REPEALING THE EXISTING ALARM SYSTEM ORDINANCE (ORDINANCE NO. 948) AND ENACTING A NEW ORDINANCE, REQUIRING ALARM USERS TO OBTAIN PERMITS, PROVIDING FOR ISSUANCE OF PERMITS, FINES FOR EXCESSIVE FALSE ALARMS, NO RESPONSE TO ALARMS, PROHIBITING CERTAIN INTERCONNECTIONS AND AUTOMATIC DIALING PRACTICES, ALLOCATING REVENUES AND EXPENSES, PROVIDING FOR ADMINISTRATION OF THE ORDINANCE AND ALL OTHER MATERS PERTAINING THERETO**

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

Section 1. Findings.

- (1) Ordinance 948 created the ordinance relating to Alarm Systems. It was adopted in 1976.
- (2) With increased use of such alarms by the citizens of the City of The Dalles, the City of The Dalles Police Department is responding to an increasing number of false alarms.
- (3) This ordinance is a comprehensive revision of the Alarm System Ordinance which is tailored to control the number of false alarms and the time law enforcement spends in responding to such alarms.
- (4) This ordinance will repeal Ordinance No. 948 and will enact a new Burglary and Robbery Alarm Ordinance (90-1104).

Section 2. Purpose and Scope.

- (1) The purpose of this ordinance 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 responses to false alarms and thereby to protect the emergency response capability of the City of The Dalles Police from misuse.
- (2) This ordinance governs burglar and robbery alarm systems, requires permits, establishes fees, provides for allocation of revenues, provides for fines for excessive false alarms, no response to alarms, provides for punishment of violations and establishes a system of administration.

### Section 3. Definitions.

- (1) “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.
- (2) “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 police are expected to respond.
- (3) “Alarm User” means any 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.
- (4) “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.
- (5) “Chief” means the Director of Public Safety or other individual in charge of the City of The Dalles Police Department.
- (6) “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.
- (7) “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.
- (8) “Primary Trunk Line” means a telephone line serving the Wasco County Communications Agency that is designated to receive emergency calls.
- (9) “Robbery Alarm System” means an alarm system signaling a robbery or attempted robbery.

- (10) “No Response” means a police officer will not be dispatched to investigate a report of an alarm signal.
- (11) “Sound Emission Cutoff” means a feature of an alarm system which will cause an audible alarm to stop emitting sound.
- (12) “System Becomes Operative” means when the alarm system is capable of eliciting a response by police.
- (13) “Economically Disadvantaged Person” means a person receiving public assistance and/or food stamps.

Section 4. Alarm Users Permits Required.

- (1) All alarm users shall obtain an alarm user’s permit for each premises from the City of The Dalles upon the effective date of this ordinance or prior to use of an alarm system. Systems using robbery and burglar alarm capabilities will be required to obtain a separate permit for each function. Application for a burglar or robbery alarm user’s permit and an \$8.00 fee for each will be filed with the City of The Dalles each year. Each permit issued shall bear the signature of the City Clerk 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 police department.
- (2) 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, an alarm permit may be obtained from the City according to Section 4 (1) of this ordinance without the payment of a fee.
- (3) A \$25.00 charge will be charged in addition to the fee provided in Section 4 (1) to a user who fails to obtain a permit prior to the system becoming operative, or who is more than thirty (30) days delinquent in renewing a permit.

Section 5. False Alarms; fines for excessive false alarms. Any alarm system which has four or more false alarms within a permit year shall be subject to the following:

- (1) An assessment according to the following schedule:

Fifth False alarm	\$50.00
Sixth through Ninth False Alarms	\$50.00 each
Tenth and any Additional False Alarms	\$100.00 each

- (2) Notification of t he alarm user by the Chief by regular mail of a false alarm and

the assessment and the consequences of the failure to pay same. The Chief shall also inform the alarm user of his/her right to appeal the validity of the false alarm as provided in Section 10. If the fine and/or assessment has not been received by the Chief within 30 days from the day the notice was mailed and there is no appeal pending on the validity of the false alarms, the Chief shall send the notice of assessment by certified mail along with a notice of late fee of \$25.00. If payment is not received within ten (10) days of the day of the notice of late fee was mailed, the Chief shall initiate the “No Response” process and may initiate the enforcement of penalties.

In addition, on the fourth false alarm, the Chief shall notify the alarm user that he/she shall submit to the Chief a letter specifying what corrective action has been taken to prevent further false alarms. Upon authorization of the alarm user, the alarm company may submit the required letter.

#### Section 6. No Response to Excessive Alarms.

- (1) After the eighth (8<sup>th</sup>) false alarm the Chief shall send a notification to the alarm user by certified mail which shall contain the following information:
  - (a) that the eighth false alarm has occurred;
  - (b) 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 Chief;
  - (c) that the approval of the Chief can only be obtained by applying in writing for reinstatement. The Chief may reinstate the alarm user upon a finding that reasonable efforts have been made to correct the false alarms;
  - (d) that the alarm user has the right to contest the validity of a false alarm determination through a False Alarm Validity Hearing. The request for such a hearing must be in writing and within ten (10) days of receipt of the Notice of Alarm from the Chief.
- (2) After the tenth (10<sup>th</sup>) false alarm within the permit year there will be no police response to subsequent alarms without the approval of the Chief. The Chief shall send a notification of the police response suspension to:
  - (a) the Director of the Wasco County Communications Agency.
  - (b) the alarm user by certified mail.

- (c) the City of The Dalles Manager.

- (d) the City of The Dalles Attorney.
- (3) The suspension of police response to an alarm shall begin ten (10) days after the date of delivery of the Notice of Suspension of Service to the alarm user unless written request for a False Alarm Validity Hearing has been made in the required time period as listed in Section 10.

Section 7. Special Permits.

- (1) 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:
  - (a) A permit shall be designated a special alarm user's permit;
  - (b) A special alarm user's permit for a system which has ten (10) false alarms in a permit year shall not be subject to the no response procedure and shall pay the regular assessment and shall submit a report required by Section 6.
- (2) An alarm user which is a governmental political unit shall be subject to this ordinance, but a permit shall be issued without payment of a fee.

Section 8. User Instructions.

- (1) 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.
- (2) Standard form instructions shall be submitted by every alarm business to the Chief. If the Chief reasonably finds such instructions to be incomplete, unclear or inadequate, the Chief of Police may require the alarm business to revise the instructions to comply with subsection 1 of this section and then to distribute the revised instructions to its alarm users.

Section 9. Automatic Dialing Device: Certain Interconnections Prohibited.

- (1) 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 12 hours of receipt of written notice from the Chief that it is so programmed.
- (2) Within 60 days after the effective date of this ordinance, all existing automatic dialing devices programmed to select a primary trunk line shall be reprogrammed or disconnected.
- (3) 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 12 hours of receipt of written notice from the Chief that an automatic dialing device is so programmed.

#### Section 10. Hearings.

- (1) An alarm user who wants to appeal validity of a false alarm determination by the Chief may appeal to the City Council for a hearing. The appeal must be in writing and must be requested within ten (10) days of the alarm user having received notice of the alarm determination from the Chief. Failure to contest the Chief's determination in the required time period shall result in a conclusive presumption for all purposes that the alarm(s) were false.
- (2) If a hearing is requested, written notice of the time and place of the hearing shall be served on the alarm user by the Chief by certified mail at least ten (10) days prior to the date set for the hearing, which shall not be more than twenty-one (21) nor less than ten (10) days after the filing of the request for hearing.
- (3) The hearing shall e before the City Council, and the Chief and the alarm user shall have the right to present written and oral evidence subject to the right of cross-examination. If the City Council determines that the false alarms alleged have occurred in a permit year, the Council shall issue written findings waiving, expunging or entering a false alarm designation on an alarm users record at their discretion. If false alarm designations are entered on the alarm user's record, the Chief shall pursue assessment collection as set out in this ordinance.

#### Section 11. Sound Emission Cutoff Feature.

- (1) 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.

Section 12. Fine/Assessment Payment. The payment of any fine and/or assessment provided in this ordinance shall not be deemed to extend the term of the permit.

Section 13. Allocation of Revenues and Expenses.

- (1) All fees, fines and assessments collected pursuant to this ordinance shall be general fund revenues of the City of The Dalles. All fees and assessments set out in this ordinance may be changed by the City Council from time to time by resolution.

Section 14. Enforcement and Penalties.

- (1) Enforcement of this ordinance may be by civil action as provided in ORS 30.315, or by criminal prosecution for violation of this ordinance.
- (2) Violation of this ordinance shall be punished upon conviction by fine of not more than \$500.00.
- (3) 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 (2) of this section.

Section 15. Repealer. Ordinance No. 948 is repealed as of the effective date of this ordinance.

Passed by Council and approved by the Mayor April 23, 1990.