

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON
ORDINANCE NO. 796

An Ordinance amending the Multnomah County Code, Chapter 7.51, by making governmental entities subject to alarm system permit fees and fines and by adding a procedure to disconnect alarm systems when they constitute a public nuisance.

(Language in brackets [] is to be deleted; underlined language is new).

Multnomah County ordains as follows:

Section I. Findings.

(A) Ordinance 114 (MCC Chapter 7.50) created the Burglary and Robbery Alarm Ordinance. It was adopted in 1975. Ordinance 610 repealed Ordinance 114 and enacted a new ordinance (MCC Chapter 7.51) in 1989. It was last amended in 1991.

(B) This ordinance is an amendment of the Burglary and Robbery Alarm Ordinance to make governmental entities subject to alarm system permit fees and fines and to add a procedure to disconnect alarm systems when they constitute a public nuisance.

(C) An emergency is declared to coordinate County regulation of burglary and robbery alarms with regulation by the City of Portland and other cities in Multnomah County.

Section II. Amendments.

Multnomah County code Chapter 7.51 is amended to read as

1 follows:

2
3 **7.51.005. Title.**

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

6 **7.51.010. Purpose and scope.**

7 (A) The purpose of this chapter is to encourage alarm users
8 and alarm businesses to assume increased responsibility for
9 maintaining the mechanical reliability and the proper use of alarm
10 systems to prevent unnecessary police emergency responses to false
11 alarms and thereby to protect the emergency response capability of
12 the county from misuse.

13 (B) This chapter governs burglary and robbery alarm systems,
14 requires permits, establishes fees, provides for allocation of
15 revenues and deficits, provides for fines for excessive false
16 alarms, provides for no response to alarms, provides for punishment
17 of violations and establishes a system of administration.

18 (C) Revenue generated in excess of costs to administer this
19 chapter shall be allocated for the use of participating law
20 enforcement agencies and for public education and training programs
21 in reduction of false alarms in accordance with MCC 7.51.070.

22 (D) The provisions of this chapter shall apply in any
23 municipal corporation in the county which has consented to the
24 application of this chapter. The provisions of this chapter shall
25 not apply in any municipal corporation in the county which has in
26 effect an ordinance having the same purpose as this chapter and

1 which is administered by Multnomah County officers or employees in
2 the manner provided herein pursuant to an intergovernmental
3 agreement.

4
5 **7.51.015. Definitions.**

6 (A) *Alarm business* means the business by any individual,
7 partnership, corporation, or other entity of selling, leasing,
8 maintaining, servicing, repairing, altering, replacing, moving or
9 installing any alarm system or causing to be sold, leased,
10 maintained, serviced, repaired, altered, replaced, moved or
11 installed any alarm system in or on any building, structure or
12 facility.

13 (B) *Alarm system* means any assembly of equipment, mechanical
14 or electrical, arranged to signal the occurrence of an illegal
15 entry or other activity requiring urgent attention and to which
16 police are expected to respond.

17 (C) *Alarm user* means the person, firm, partnership,
18 association, corporation, company or organization of any kind which
19 owns, controls or occupies any building, structure or facility
20 wherein an alarm system is maintained.

21 (D) *Automatic dialing device* means a device which is
22 interconnected to a telephone line and is programmed to select a
23 predetermined telephone number and transmit by voice message or
24 code signal an emergency message indicating a need for emergency
25 response. Such a device is an alarm system.

26 (E) *Bureau of emergency communications* is the city/county

1 facility used to receive emergency and general information from the
2 public to be dispatched to the respective police departments
3 utilizing the bureau.

4 (F) *Burglary alarm system* means an alarm system signaling an
5 entry or attempted entry into the area protected by the system.
6

7 (G) *Coordinator* means the individual designated by the
8 sheriff to issue permits and enforce the provisions of this
9 chapter.

10 (H) *False alarm* means an alarm signal, eliciting a response
11 by police when a situation requiring a response by the police does
12 not in fact exist, but does not include an alarm signal caused by
13 violent conditions of nature or other extraordinary circumstances
14 not reasonably subject to control by the alarm business operator or
15 alarm user.

16 (I) *Interconnect* means to connect an alarm system including
17 an automatic dialing device to a telephone line, either directly or
18 through a mechanical device that utilizes a telephone, for the
19 purpose of using the telephone line to transmit a message upon the
20 activation of the alarm system.

21 (J) *Primary trunk line* means a telephone line serving the
22 bureau of emergency communications that is designated to receive
23 emergency calls.

24 (K) *Robbery alarm system* means an alarm system signaling a
25 robbery or attempted robbery.

26 (L) *Sheriff* means the sheriff of Multnomah County or his

1 designated representative.

2 (M) *No response* means peace officers will not be dispatched
3 to investigate a report of an alarm signal.

4 (N) *Chief of police* means the chief of police of the law
5 enforcement agency of the municipality in which the alarm has
6 occurred, or his designated representative, and in municipalities
7 which do not have a chief of police, the mayor of the municipality
8 or his designated representative.

9 (O) *Sound emission cutoff feature* means a feature of an alarm
10 system which will cause an audible alarm to stop emitting sound.

11 (P) *System becomes operative* means when the alarm system is
12 capable of eliciting a response by police.

13 (Q) *Economically disadvantaged person* means a person
14 receiving public assistance and/or food stamps.

15 **7.51.020. Alarm users permits required; fees.**

16 (A) Every alarm user shall obtain an alarm user's permit for
17 each system from the coordinator's office within 30 days of the
18 time when the system becomes operative. Users of systems using
19 both robbery and burglary alarm capabilities shall obtain separate
20 permits for each function. Application for a burglar or robbery
21 alarm user's permit and a \$12.00 fee for each shall be filed with
22 the coordinator's office each year. Each permit shall bear the
23 signature of the sheriff and be for a one year period. The permit
24 shall be physically upon the premises using the alarm system and
25 shall be available for inspection by the sheriff.

26 (B) 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, a user's permit may be obtained from the coordinator's office according to MCC 7.51.020 (A) without the payment of a fee.

(C) A \$25.00 charge will be charged in addition to the fee provided in MCC 7.51.020 (A) to a user who fails to obtain a permit within thirty (30) days after the system becomes operative, or who is more than thirty (30) days delinquent in renewing a permit.

(D) If an alarm user fails to renew a permit within 30 days after the permit expires, the coordinator will notify the alarm user, by certified mail, that, unless the permit is renewed and all fees and fines are paid within 30 days from the date of mailing of the certified letter, police response to the alarm will thereafter be suspended. If the permit is not renewed and all fees and fines are not paid, the coordinator will suspend police response to the alarm and make notifications as provided in 7.51.035 (B) 1 through 5.

7.51.025. Fines for excessive false alarms.

(A) Fines will be assessed by the coordinator for excessive false alarms during a permit year as follows:

Second and third

false alarms \$50.00 each

Fourth and any

additional false alarms \$100.00 each

(B) The coordinator will notify the alarm user and the alarm

1 business by regular mail of a false alarm and the fine and the
2 consequences of the failure to pay the fine. The coordinator will
3 also inform the alarm user of his/her right to appeal the validity
4 of the false alarm to the sheriff, as provided in MCC 7.51.055. If
5 the fine has not been received in the coordinator's office within
6 30 days from the day the notice of fine was mailed by the
7 coordinator and there is no appeal pending on the validity of the
8 false alarm, the coordinator will send the notice of fine by
9 certified mail along with a notice of late fee of \$25.00. If
10 payment is not received within ten days of the day the notice of
11 late fee was mailed, the coordinator will initiate the no response
12 process and may initiate the enforcement of penalties.

13 **7.51.030. Corrective letter.**

14 [Ord. 610 § 2 (1989); Rpld. by Ord. 687 (1991)]

15 **7.51.035. No response to excessive alarms.**

16 (A) After the second false alarm the coordinator shall send
17 a notification to the alarm user by mail which will contain the
18 following information:

19 (1) That the second false alarm has occurred;

20 (2) That if two more false alarms occur within the
21 permit year the police will not respond to any subsequent
22 alarms without the approval of the sheriff or the chief of
23 police;

24 (3) That the approval of the sheriff or chief of police
25 can only be obtained by applying in writing for reinstatement.
26 The sheriff or chief of police may reinstate the alarm user

1 upon a finding that reasonable effort has been made to correct
2 the false alarms;

3 (4) That the alarm user has the right to contest the
4 validity of a false alarm determination through a false alarm
5 validity hearing. The request for such a hearing must be in
6 writing and within ten days of receipt of the notice of alarm
7 from the coordinator (see MCC 7.51.055 (A)).

8 (B) After the fourth false alarm within the permit year there
9 will be no police response to subsequent alarms without approval of
10 the sheriff or the chief of police. The coordinator shall send a
11 notification of the police response suspension to:

12
13 (1) The director of the bureau of emergency
14 communications;

15 (2) The sheriff, if the alarm occurred in an
16 unincorporated area; or

17 (3) The chief of police of the jurisdiction within which
18 the alarm is located;

19 (4) The alarm user by certified mail; and

20 (5) The persons listed on the alarm user's permit who
21 are to be contacted in case of emergency, by certified mail.

22 (C) The suspension of police response to an alarm shall begin
23 ten days after the date of delivery of the notice of suspension of
24 service to the alarm user unless a written request for a false
25 alarm validity hearing has been made in the required time period as
26 listed in MCC 7.51.055.

1 **7.51.040. Special permits.**

2 (A) An alarm user required by federal, state, county or
3 municipal statute, regulation, rule or ordinance to install,
4 maintain and operate an alarm system shall be subject to this
5 ordinance; provided:

6 (1) A permit shall be designated a special alarm user's
7 permit;

8 (2) A special alarm user's permit for a system which has
9 four false alarms in a permit year shall not be subject to the
10 no response procedure and shall pay the regular fine schedule;

11 (3) The payment of any fine provided for in paragraph
12 (2) of this subsection shall not be deemed to extend the term
13 of the permit.

14
15 (B) An alarm user which is a governmental political unit
16 shall be subject to this chapter[; but a permit shall be issued
17 without payment of a fee and shall not be subject to fine, payment
18 of additional fees or the imposition of any penalty provided
19 herein].

20 **7.51.045. User instructions.**

21 (A) Every alarm business selling, leasing or furnishing to
22 any user an alarm system which is installed on premises located in
23 the area subject to this chapter shall furnish the user with
24 instructions that provide information to enable the user to operate
25 the alarm system properly and to obtain service for the alarm
26 system at any time. The alarm business shall also inform each

1 alarm user of the requirement to obtain a permit and where it can
2 be obtained.

3 (B) Standard form instructions shall be submitted by every
4 alarm business to the sheriff. If the sheriff reasonably finds
5 such instructions to be incomplete, unclear or inadequate, the
6 sheriff may require the alarm business to revise the instructions
7 to comply with MCC 7.51.045 (A) and then to distribute the revised
8 instructions to its alarm users.

9 **7.51.050. Automatic dialing device: certain**
10 **interconnections prohibited.**

11 (A) It is unlawful for any person to program an automatic
12 dialing device to select a primary trunk line and it is unlawful
13 for an alarm user to fail to disconnect or reprogram an automatic
14 dialing device which is programmed to select a primary trunk line
15 within 12 hours of receipt of written notice from the coordinator
16 that it is so programmed.

17 (B) It is unlawful for any person to program an automatic
18 dialing device to select any telephone line assigned to the county
19 and it is unlawful for an alarm user to fail to disconnect or
20 reprogram such device within 12 hours of receipt of written notice
21 from the coordinator that an automatic dialing device is so
22 programmed.

23 **7.51.055. Hearing.**

24 (A) An alarm user who wants to appeal validity of a false
25 alarm determination by the coordinator may appeal to the sheriff
26 for a hearing. The appeal must be in writing and must be requested

1 within ten days of the alarm user having received notice of the
2 alarm from the coordinator. Failure to contest the coordinator's
3 determination in the required time period results in a conclusive
4 presumption for all purposes that the alarm was false.

5 (B) If a hearing is requested, written notice of the time and
6 place of the hearing shall be served on the user by the sheriff by
7 certified mail at least ten days prior to the date set for the
8 hearing, which date shall not be more than 21 nor less than ten
9 days after the filing of the request for hearing.

10 (C) The hearing shall be before the sheriff. The coordinator
11 and the alarm user shall have the right to present written and oral
12 evidence, subject to the right of cross-examination. If the
13 sheriff determines that the false alarms alleged have occurred in
14 a permit year, the sheriff shall issue written findings waiving,
15 expunging or entering a false alarm designation on an alarm user's
16 record at his discretion. If false alarm designations are entered
17 on the alarm user's record, the coordinator shall pursue fine
18 collection as set out in MCC 7.51.025.

19 (D) The sheriff may appoint another person to be a hearings
20 officer to hear the appeals and to render judgment.

21 **7.51.060. Sound emission cutoff feature.**

22 (A) Alarm systems which emit audible sound which can be heard
23 outside the building, structure or facility of the alarm user,
24 shall be equipped with a sound emission cutoff feature which will
25 stop the emission of sound 15 minutes or less after the alarm is
26 activated.

1 (B) When an alarm system can be heard outside a building,
2 structure, or facility for more than 15 minutes continuously or
3 intermittently, and the alarm owner or alarm company is not readily
4 available or able to silence the device, it becomes a public
5 nuisance and the sheriff is authorized to physically disconnect the
6 sounding device. The county shall not be liable for any cost of,
7 or associated with, disconnecting or reconnecting the alarm. The
8 alarm owner shall be liable for such costs.

9 **7.51.065. Confidentiality; statistics.**

10 (A) All information submitted in compliance with this chapter
11 shall be held in the strictest confidence and shall be deemed a
12 public record exempt from disclosure pursuant to ORS 192.502 (3)
13 and any violation of confidentiality shall be deemed a violation of
14 this chapter. The coordinator shall be charged with the sole
15 responsibility for the maintenance of all records of any kind
16 whatsoever under this chapter.

17 (B) Subject to the requirements of confidentiality, the
18 coordinator shall develop and maintain statistics having the
19 purpose of assisting alarm system evaluation for use by members of
20 the public.

21 **7.51.070. Allocation of revenues and expenses.**

22 (A) With the exception of four dollars of each permit fee
23 paid by alarm users within the City of Portland, which shall be
24 paid directly to the City of Portland, all fees, fines and
25 forfeitures of bail collected pursuant to this chapter or an
26 ordinance of a municipal corporation having the same purpose as

1 this chapter and which is administered by Multnomah County officers
2 or employees shall be general fund revenue of Multnomah County;
3 provided, however, that Multnomah County shall maintain records
4 sufficient to identify the sources and amounts of that revenue.

5 (B) Multnomah County shall maintain records in accordance
6 with sound accounting principles sufficient to determine on a
7 fiscal year basis the direct costs of administering this chapter
8 and ordinances of municipal corporations having the same purpose as
9 this chapter and which are administered by Multnomah County
10 officers or employees, including salaries and wages (excluding the
11 sheriff individually), travel, office supplies, postage, printing,
12 facilities, office equipment and other properly chargeable costs.

13 (C) Not later than July 31 of each year, Multnomah County
14 shall render an account to each municipal corporation having an
15 ordinance having the same purpose as this chapter and which is
16 administered by Multnomah County officers or employees, which
17 account shall establish the net excess revenue or cost deficit for
18 the preceding fiscal year and shall allocate that excess revenue,
19 if any, or deficit, if any, to the county and any municipal
20 corporation entitled to an account proportionately as the number of
21 permits issued for alarm systems within the corporate limits of the
22 respective municipal corporations and the unincorporated areas of
23 Multnomah County bears to the whole number of permits issued in
24 Multnomah County; provided, that no allocation shall be made if the
25 net excess revenue or deficit is less than \$2,500.

26 (D) Distribution by the county of any excess revenue or

1 payment of allocated deficit amounts by a municipal corporation
2 shall be made not later than September 1 of each fiscal year.

3 (E) "Sound accounting principles" as used in this section,
4 shall include, but not be limited to, practices required by the
5 terms of any state or federal grant or regulations applicable
6 thereto which relate to the purpose of this ordinance.

7 **7.51.075. Interpretation.**

8 This chapter and any ordinance of a municipal corporation
9 having the same purpose as this chapter and which is administered
10 by Multnomah County officers or employees shall be liberally
11 construed to effect the purpose of this chapter and to achieve
12 uniform interpretation and application of the respective
13 ordinances.

14 **7.51.080. Enforcement and penalties.**

15 (A) Enforcement of this chapter may be by civil action as
16 provided in ORS 30.315, or by criminal prosecution, as provided in
17 ORS 203.810 for offenses under county law.

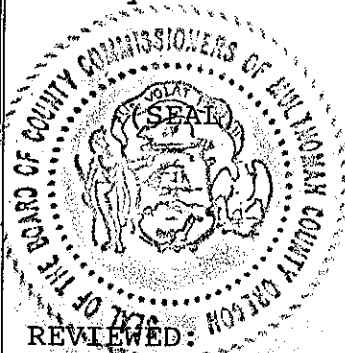
18 (B) Violation of this chapter shall be punished upon
19 conviction by a fine of not more than \$500.

20 (C) The failure or omission to comply with any section of
21 this chapter shall be deemed a violation and may be so prosecuted,
22 subject to the penalty provided in paragraph (B) of this section.

23
24 **Section III. Adoption.**

25 ADOPTED this 8th day of September, 1994,
26 being the date of its Second reading before the Board of

1 County Commissioners of Multnomah County, Oregon.



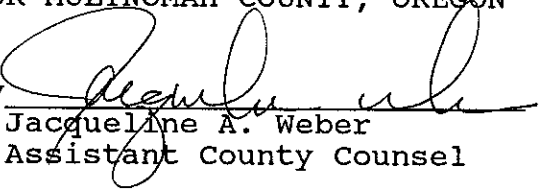
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