

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS
2 FOR MULTNOMAH COUNTY, OREGON
3 ORDINANCE NO. 687
4

5 An Ordinance amending the Multnomah County Code Chapter 7.51
6 by adding a procedure to handle delinquencies in the renewal of
7 permits, increasing fines, reducing the number of allowable false
8 alarms, and altering the allocation of revenues.
9

10 (Language in brackets [] is to be deleted; underlined language is new).
11

12 Multnomah County ordains as follows:
13

14 Section I. Findings

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17 repealed Ordinance 114 and enacted a new ordinance (MCC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

19 (B) With increased use of such alarms by the citizens of Multnomah
20 County, law enforcement agencies are responding to many false
21 alarms.

22 (C) This ordinance is an amendment of the Burglary and Robbery
23 Alarm Ordinance which is tailored to control the number of false
24 alarms and the time enforcement agencies spend in responding to
25 such alarms.

26 (D) An emergency is declared to coordinate County regulation of
burglary and robbery alarms with regulation by the City of

1 | Portland and other cities in Multnomah County.

2
3 | Section II. Amendments.

4 | Multnomah County code Chapter 7.51 is amended to read as follows:

5 | 7.51.005 Title. This chapter shall be known as "The
6 | Burglary and Robbery Alarm Ordinance."

7 | 7.51.010 Purpose and Scope.

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

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

21 | (C) Revenue generated in excess of costs to
22 | administer the Ordinance shall be allocated for the use
23 | of participating law enforcement agencies and for public
24 | education and training programs in reduction of false
25 | alarms in accordance with MCC 7.51.070.

26 | (D) The provisions of this ordinance shall apply in
any municipal corporation in the County which has
consented to the application of the ordinance. The
provisions of this ordinance shall not apply in any
municipal corporation in the County which has in effect
an ordinance having the same purpose as this ordinance
and which is administered by Multnomah County officers or
employees in the manner provided herein pursuant to an
intergovernmental agreement.

7.51.015 Definitions.

(A) "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

1 facility.

2 (B) "Alarm System" means any assembly of equipment,
3 mechanical or electrical, arranged to signal the
4 occurrence of an illegal entry or other activity
5 requiring urgent attention and to which police are
6 expected to respond.

7 (C) "Alarm User" means the person, firm,
8 partnership, association, corporation, company or
9 organization of any kind which owns, controls or occupies
10 any building, structure or facility wherein an alarm
11 system is maintained.

12 (D) "Automatic Dialing Device" means a device which
13 is interconnected to a telephone line and is programmed
14 to select a predetermined telephone number and transmit
15 by voice message or code signal an emergency message
16 indicating a need for emergency response. Such a device
17 is an alarm system.

18 (E) "Bureau of Emergency Communications" is the
19 City/County facility used to receive emergency and
20 general information from the public to be dispatched to
21 the respective police departments utilizing the bureau.

22 (F) "Burglary Alarm System" means an alarm system
23 signaling an entry or attempted entry into the area
24 protected by the system.

25 (G) "Coordinator" means the individual designated
26 by the Sheriff to issue permits and enforce the
provisions of this ordinance.

(H) "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.

(I) "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.

(J) "Primary Trunk Line" means a telephone line
serving the Bureau of Emergency Communications that is
designated to receive emergency calls.

1 (K) "Robbery Alarm System" means an alarm system
2 signaling a robbery or attempted robbery.

3 (L) "Sheriff" means the Sheriff of Multnomah County
4 or his designated representative.

5 (M) "No Response" means peace officers will not be
6 dispatched to investigate a report of an alarm signal.

7 (N) "Chief of Police" means the Chief of Police of
8 the law enforcement agency of the municipality in which
9 the alarm has occurred, or his designated representative,
10 and in municipalities which do not have a Chief of
11 Police, the Mayor of the municipality or his designated
12 representative.

13 (O) "Sound emission cutoff feature" means a feature
14 of an alarm system which will cause an audible alarm to
15 stop emitting sound.

16 (P) "System Becomes Operative" means when the alarm
17 system is capable of eliciting a response by police.

18 (Q) "Economically Disadvantaged Person" means a
19 person receiving public assistance and/or food stamps.

20 7.51.020 Alarm Users Permits Required; fees.

21 (A) Every alarm user shall obtain an alarm user's
22 permit for each system from the coordinator's office
23 within 30 days of the time when the system becomes
24 operative. Users of systems using both robbery and
25 burglary alarm capabilities shall obtain separate permits
26 for each function. Application for a burglar or robbery
alarm user's permit and [an \$8.00] a \$12.00 fee for each
shall be filed with the coordinator's office each year.
Each permit shall bear the signature of the Sheriff 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 Sheriff.

(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.

1 (D) If an alarm user fails to renew a permit within
 2 30 days after the permit expires, the coordinator will
 3 notify the alarm user, by certified mail, that, unless
 4 the permit is renewed and all fees and fines are paid
 5 within 30 days from the date of mailing of the certified
 6 letter, police response to the alarm will thereafter be
 7 suspended. If the permit is not renewed and all fees and
 8 fines are not paid the coordinator will suspend police
 9 response to the alarm and make notifications as provided
 10 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:

[Fourth false alarm	\$50.00]
[Fifth false alarm	No fine]
[Sixth through ninth]	
<u>Second and third</u> false alarms	\$50.00 each
[Tenth] <u>Fourth</u> and any additional false alarms	\$100.00 each

(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 sheriff, as provided in MCC 7.51.055. If the fine has not been received in the coordinator's office within 30 days from the day the 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 \$25.00. 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.

[7.51.030 Corrective Letter.

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]

7.51.035 No Response to Excessive Alarms.

1 (A) After the [eighth] second false alarm the
2 coordinator shall send a notification to the alarm user
3 by [certified] mail which will contain the following
4 information:

5 (1) that the [eighth] second false alarm has
6 occurred;

7 (2) that if two more false alarms occur
8 within the permit year the police will not respond
9 to any subsequent alarms without the approval of
10 the Sheriff or the Chief of Police;

11 (3) that the approval of the Sheriff or Chief
12 of Police can only be obtained by applying in
13 writing for reinstatement. The Sheriff or Chief of
14 Police may reinstate the alarm user upon a finding
15 that reasonable effort has been made to correct the
16 false alarms;

17 (4) that the alarm user has the right to
18 contest the validity of a false alarm determination
19 through a False Alarm Validity Hearing. The
20 request for such a hearing must be in writing and
21 within ten days of receipt of the Notice of Alarm
22 from the coordinator (see MCC 7.51.055 (A)).

23 (B) After the [10th] fourth false alarm within the
24 permit year there will be no police response to
25 subsequent alarms without approval of the Sheriff or the
26 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 Sheriff, if the alarm occurred in an
unincorporated area; or

(3) The Chief of Police of the jurisdiction
within which the alarm is located;

(4) The alarm user by certified mail; and

(5) 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 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 in the required time period as listed in MCC

1 7.51.055.

2 7.51.040 Special Permits.

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

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

9 (2) A special alarm user's permit for a
10 system which has [10] four false alarms in a permit
11 year shall not be subject to the no response
12 procedure and shall pay the regular fine schedule
13 [and shall submit the report required by MCC
14 7.51.030.]

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

18 (B) An alarm user which is a governmental political
19 unit shall be subject to this ordinance; but a permit
20 shall be issued without payment of a fee and shall not be
21 subject to fine, payment of additional fees or the
22 imposition of any penalty provided herein.

23 7.51.045 User Instructions.

24 (A) Every alarm business selling, leasing or
25 furnishing to any user an alarm system which is installed
26 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.

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

7.51.050 Automatic Dialing Device: Certain
Interconnections Prohibited.

(A) It is unlawful for any person to program an

1 automatic dialing device to select a primary trunk line
2 and it is unlawful for an alarm user to fail to
3 disconnect or reprogram an automatic dialing device which
4 is programmed to select a primary trunk line within
5 twelve (12) hours of receipt of written notice from the
6 coordinator that it is so programmed.

7 (B) It is unlawful for any person to program an
8 automatic dialing device to select any telephone line
9 assigned to the County and it is unlawful for an alarm
10 user to fail to disconnect or reprogram such device
11 within twelve (12) hours of receipt of written notice
12 from the coordinator that an automatic dialing device is
13 so programmed.

14 7.51.055 Hearing.

15 (A) An alarm user who wants to appeal validity of
16 a false alarm determination by the coordinator may appeal
17 to the Sheriff for a hearing. The appeal must be in
18 writing and must be requested within 10 days of the alarm
19 user having received notice of the alarm from the
20 coordinator. Failure to contest the coordinator's
21 determination in the required time period results in a
22 conclusive presumption for all purposes that the alarm
23 was false.

24 (B) If a hearing is requested, written notice of
25 the time and place of the hearing shall be served on the
26 user by the Sheriff by certified mail at least ten (10)
days prior to the date set for the hearing, which date
shall not be more than twenty-one (21) nor less than ten
(10) days after the filing of the request for hearing.

(C) The hearing shall be before the Sheriff. 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 Sheriff determines that the
false alarms alleged have occurred in a permit year, the
Sheriff shall issue written findings waiving, expunging
or entering a false alarm designation on an alarm user's
record at his discretion. If false alarm designations
are entered on the alarm user's record, the coordinator
shall pursue fine collection as set out in MCC 7.51.025.

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

7.51.060 Sound Emission Cutoff Feature.

Alarm systems which emit audible sound which can be
heard outside the building, structure or facility of the

1 alarm user, shall be equipped with a sound emission
2 cutoff feature which will stop the emission of sound 15
minutes or less after the alarm is activated.

3 7.51.065 Confidentiality; Statistics.

4 (A) All information submitted in compliance with
5 this ordinance shall be held in the strictest confidence
6 and shall be deemed a public record exempt from
7 disclosure pursuant to ORS 192.502 (3) and any violation
8 of confidentiality shall be deemed a violation of this
9 ordinance. The coordinator shall be charged with the
10 sole responsibility for the maintenance of all records of
any kind whatsoever under this ordinance.

11 (B) Subject to the requirements of confidentiality,
12 the coordinator, shall develop and maintain statistics
13 having the purpose of assisting alarm system evaluation
14 for use by members of the public.

15 7.51.070 Allocation of Revenues and Expenses.

16 (A) [All] With the exception of four dollars of
17 each permit fee paid by alarm users within the City of
18 Portland, which shall be paid directly to the City of
19 Portland, all fees, fines and forfeitures of bail
20 collected pursuant to this ordinance or an ordinance of
21 a municipal corporation having the same purpose as this
22 ordinance and which is administered by Multnomah County
23 officers or employees shall be general fund revenue of
24 Multnomah County; provided, however, that Multnomah
25 County shall maintain records sufficient to identify the
26 sources and amounts of that revenue.

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

(C) Not later than July 31 of each year, Multnomah
County shall render an account to each municipal
corporation having an ordinance having the same purpose
as this ordinance and which is administered by Multnomah
County officers or employees, which account shall
establish the net excess revenue or cost deficit for the
preceding fiscal year and shall allocate that excess
revenue, if any, or deficit, if any, to the county and

1 any municipal corporation entitled to an account
2 proportionately as the number of permits issued for alarm
3 systems within the corporate limits of the respective
4 municipal corporations and the unincorporated areas of
5 Multnomah County bears to the whole number of permits
6 issued in Multnomah County; provided, that no allocation
7 shall be made if the net excess revenue or deficit is
8 less than \$2,500.

9 (D) Distribution by the county of any excess
10 revenue or payment of allocated deficit amounts by a
11 municipal corporation shall be made not later than
12 September 1 of each fiscal year.

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

18 7.51.075 Interpretation.

19 This ordinance and any ordinance of a municipal
20 corporation having the same purpose as this ordinance and
21 which is administered by Multnomah County officers or
22 employees shall be liberally construed to effect the
23 purpose of this ordinance and to achieve uniform
24 interpretation and application of the respective
25 ordinances.

26 7.51.080 Enforcement and Penalties.

(A) Enforcement of this ordinance may be by civil
action as provided in ORS 30.315, or by criminal
prosecution, as provided in ORS 203.810 for offenses
under County law.

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

(C) 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 (B) of this section.

Section III. Adoption.

This Ordinance, being necessary for the health, safety, and
general welfare of the people of Multnomah County, an emergency is
declared, and the Ordinance shall take effect upon its execution by

1 the County Chair, pursuant to Section 5.50 of the Charter of
2 Multnomah County.

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4 ADOPTED this 3rd day of July, 1991, being
5 the date of its First reading before the Board of County
6 Commissioners of Multnomah County, Oregon.



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Gladys McCoy

Gladys McCoy, Chair
Multnomah County, Oregon

REVIEWED:

LAURENCE KRESSEL, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By *Sandra N. Duffy*

Sandra N. Duffy
Assistant County Counsel

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