

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON  
ORDINANCE NO. 687

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

(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 Ordinance 610 repealed Ordinance 114 and enacted a new ordinance (MCC Chapter 7.51) in 1989.

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

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

(D) 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 follows:

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

7.51.010 Purpose and Scope.

(A) 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 county from misuse.

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

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

(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.

(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:

[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



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.

7.51.065 Confidentiality; Statistics.

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

(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.

7.51.070 Allocation of Revenues and Expenses.

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

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

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

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

#### 7.51.075 Interpretation.

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

#### 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

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

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



*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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