

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1047

Amending MCC Chapter 15, Sheriff, Relating to Alarm Systems

Multnomah County Ordains as follows:

Section 1. MCC § 15.701 is amended to read as follows:

§ 15.701 Purpose And Scope.

(A) The purpose of this subchapter 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 responses to false alarms and thereby to protect the emergency response capability of the county from misuse.

(B) This subchapter governs burglary and robbery alarm systems, requires permits, establishes fees, provides for allocation of revenues and deficits, provides for fees 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 this subchapter shall be allocated for the use of participating law enforcement agencies to recover costs associated with alarm response and for public education and training programs in reduction of false alarms in accordance with § 15.711.

(D) The provisions of this subchapter shall apply in any city in the county which has consented to the application of this subchapter. The provisions of this subchapter shall not apply in any city in the county which has in effect an ordinance having the same purpose as this subchapter and which is administered by the county pursuant to an intergovernmental agreement.

Section 2. MCC § 15.702 is amended to read as follows:

§ 15.702 Definitions.

For the purpose of this subchapter, the following definitions shall apply unless the context requires a different meaning.

ALARM BUSINESS. 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. 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 law enforcement officers are expected to respond.

ALARM USER. 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. 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.

BUREAU OF EMERGENCY COMMUNICATIONS. The city or county facility used to receive emergency and general information from the public to be dispatched to the respective law enforcement departments utilizing the bureau.

BURGLARY ALARM SYSTEM. An alarm system signaling an entry or attempted entry into the area protected by the system.

ECONOMICALLY DISADVANTAGED PERSON. A person receiving public assistance or food stamps.

FALSE ALARM. An alarm signal, eliciting a response by a law enforcement officer when a situation requiring a response by such officer 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. 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. Law enforcement officers will not be dispatched to investigate a report of an alarm signal.

NOTICE. All notices in this ordinance required to be given by the Sheriff to an alarm user or alarm business shall be by certified mail with return receipt. **NOTICE**, whether actual or constructive, is presumed to be given when the Sheriff receives the return receipt.

PRIMARY TRUNK LINE. A telephone line serving the Bureau of Emergency Communications that is designated to receive emergency calls.

ROBBERY ALARM SYSTEM. An alarm system signaling a robbery.

SHERIFF. The Multnomah County Sheriff, or designee.

SOUND EMISSION CUTOFF FEATURE. A feature of an alarm system which will cause an audible alarm to stop emitting sound.

SYSTEM BECOMES OPERATIVE. When the alarm system is capable of eliciting a response by law enforcement officers.

Section 3. MCC § 15.703 is amended to read as follows:

§ 15.703 Permits Required.

(A) Every alarm user shall obtain an alarm user's permit for each system from the Sheriff within 30 days of the time when the system becomes operative. Users of systems using both robbery and burglary alarm capabilities shall obtain a separate permit for each function. Application for a burglar or robbery alarm user's permit and a fee for each in an amount set by Board resolution shall be filed with the Sheriff each year. Each permit shall bear the signature of the Sheriff and be valid 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 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 Sheriff's office according to subsection (A) without the payment of a fee.

(C) A late fee in an amount set by Board resolution will be charged in addition to the fee provided in subsection (A) to an alarm user who fails to obtain a permit within 30 days after the system becomes operative, or who is more than 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 Sheriff will notify the alarm user that, unless the permit is renewed and all fees are paid within 30 days of receipt of notice, the Sheriff will initiate the no response process. If the permit is not renewed and all fees paid, the Sheriff will initiate the no response process and make notifications as provided in § 15.705(C).

Section 4. MCC § 15.704 is amended to read as follows:

§ 15.704 Excessive False Alarms Fees.

(A) Fees for excessive false alarms will be assessed by the Sheriff as set by Board resolution.

(B) The Sheriff will notify the alarm user and the alarm business of a false alarm, the fees for excessive false alarms, if any, and the consequences of the failure to pay the fees. The Sheriff will also inform the alarm user of his or her right to appeal the validity of the false alarm to the Sheriff, as provided in § 15.709.

(C) A late fee in an amount set by Board resolution will be charged in addition to the fee provided in subsection (A) to an alarm user who fails to pay the excessive false alarm fees within 30 days after receipt of the notice.

(D) If the alarm user fails to pay the excessive false alarm fee within 30 days after receipt of initial notice and no appeal is pending, the Sheriff will notify the alarm user that unless all fees are paid within seven days of receipt of notice, the Sheriff will initiate the no response process. If payment is not received within seven days of the date the Sheriff receives the return receipt, the Sheriff will initiate the no response process, make notifications as provided in § 15.705(C) and may initiate the enforcement of penalties.

Penalty, see § 15.999

Section 5. MCC § 15.705 is amended to read as follows:

§ 15.705 Excessive False Alarms; No Response.

(A) After the fourth false alarm within the permit year there will be no law enforcement response to subsequent alarms without approval of the Sheriff.

(B) After a false alarm, the Sheriff shall also notify the alarm user that:

(1) After the fourth false alarm within the permit year, there will be no response to subsequent alarms without the approval of the Sheriff; and

(2) Approval of the Sheriff may only be obtained by applying in writing for reinstatement. The Sheriff may reinstate the alarm user upon a finding that reasonable effort has been made to correct the false alarms.

(C) When the no response process is initiated, the Sheriff shall notify:

(1) The Bureau of Emergency Communications;

(2) The alarm user;

(3) Any alarm business employed by the alarm user; and

(4) The persons listed on the alarm user's permit who are to be contacted in case of emergency, by certified mail with return receipt.

(D) No response to an alarm shall begin seven days after the date the Sheriff receives return receipts from the notices provided in subsection (C) unless a written request for a false alarm validity hearing has been made in the time period required under § 15.709.

Section 6. MCC § 15.706 is amended to read as follows:

§ 15.706 Special Permits.

(A) An alarm user required by federal, state, county or city law to install, maintain and operate an alarm system shall be subject to this subchapter, provided:

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

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

(3) The payment of any fee provided for in subsection (A)(2) shall not be deemed to extend the term of the permit.

(B) An alarm user that is a government unit is subject to this subchapter.

Section 7. MCC § 15.709 is amended to read as follows:

§ 15.707 User Instructions.

(A) 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 subchapter 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 subsection (A) and then to distribute the revised instructions to its alarm users.

Penalty, see § 15.999

Section 8. MCC § 15.709 is amended to read as follows:

§ 15.709 Hearing.

(A) An alarm user who wants to appeal validity of a false alarm determination may appeal to the Sheriff for a hearing. The appeal must be in writing and must be received by the Sheriff within seven days of the alarm user having received notice of the false alarm determination from the Sheriff. Failure to contest the determination in the required time period results in a conclusive presumption for all purposes that the alarm was false.

(B) If a hearing is requested, the Sheriff will notify the alarm user of the time and place of the hearing at least ten days prior to the hearing date, which date shall not be more than 21 nor less than ten days after the request for hearing is received.

(C) The hearing shall be before the Sheriff. 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 Sheriff shall pursue fee collection as set out in § 15.704.

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

Section 9. MCC § 15.712 is amended to read as follows:

§ 15.712 Allocation Of Revenues And Expenses.

(A) All revenue collected pursuant to this subchapter or an ordinance of a city having the same purpose as this subchapter and which is administered by the county pursuant to an intergovernmental agreement shall be general fund revenue of the county. The county shall maintain records sufficient to identify the sources and amounts of that revenue.

(B) The county shall maintain records in accordance with sound accounting principles sufficient to determine on a fiscal year basis the direct costs of administering this subchapter and ordinances of cities having the same purpose as this subchapter and which are administered by the county pursuant to an intergovernmental agreement, including salaries and wages (excluding the Sheriff individually), travel, office supplies, postage, printing, facilities, office equipment and other properly chargeable costs.

(C) The county shall render an account to each city having an ordinance having the same purpose as this subchapter and which is administered by the county pursuant to an intergovernmental agreement.

(D) Distribution by the county of any excess revenue or payment of allocated deficit amounts by a city shall be made in accordance with the terms of the intergovernmental agreement with the city.

(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 subchapter.

FIRST READING:

August 19, 2004

SECOND READING AND ADOPTION:

August 26, 2004

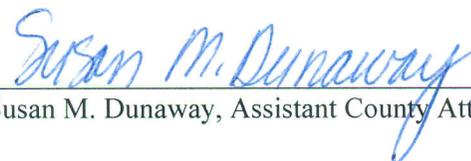


BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Susan M. Dunaway, Assistant County Attorney