

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 1135

Amending MCC §§15.700-760 Relating to Alarm Systems

(Language ~~stricken~~ is deleted; double underlined language is new.)

Multnomah County Ordains as follows:

Section 1. MCC § 15.702 is amended 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, monitoring, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, monitored, 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~~alerted.

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 or ROBBERY ALARM SYSTEM. An automated or manual alarm system signaling a robbery, an entry or attempted entry into the area protected by the system.

COMMERCIAL ALARM SYSTEM. An alarm system maintained in a building, structure or facility that is not primarily used as the alarm system user's residence..

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. An alarm is not considered false if the, but does not include an alarm signal is caused by violent conditions of nature or other extraordinary

circumstances not reasonably subject to control by the alarm business operator or alarm user, including but not limited to, evidence of a crime or an attempted crime; notice from the alarm business that the system is faulty before the officer arrives on the scene or notice from alarm business operator that the system or the user erred before an officer arrives on the scene.

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 U.S. mail with return receipt.~~ **NOTICE**, whether actual or constructive, is presumed to be given seven days from the date printed on the notice 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.~~

RESIDENTIAL ALARM SYSTEM. An alarm system maintained in a building, structure or facility that is primarily used as the alarm system user's residence.

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 2. MCC § 15.703 is amended as follows:

15.703 Permits Required; Payment of Permit Fees and Other Fees.

(A) Every alarm user, including but not limited to users of any non-monitored alarm systems, shall ~~must~~ 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 commercial alarm systems using having both robbery manual and burglary automated alarm capabilities shall ~~must~~ obtain a separate permit for each function. ~~Application for a burglary 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) Permits issued under this subchapter expire annually on March 31. Application for an alarm user's permit and the permit fees as set by Board resolution must be filed with the Sheriff each year. The permit fees must be postmarked to the Sheriff on or before midnight March 31 of the preceding permit year.

(~~BC~~) If a residential alarm user is over the age of ~~62-65~~ 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 subsections (A) and (B) ~~without the payment of~~ for a ~~reduced fee~~ as set by Board resolution.

~~(D)~~ Each permit will bear the signature of the Sheriff and must be physically upon the premises where the alarm system is used and available for inspection by the Sheriff. If a law enforcement officer is dispatched to investigate a report of an alarm signal and a valid permit is not available for inspection, the alarm user must pay a fee as set by Board resolution and obtain a permit within 30 days of the date of dispatch.

(~~CE~~) A late fee in an amount set by Board resolution will be charged in addition to the fees provided in this 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.

(~~DE~~) 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 3. MCC § 15.704 is amended as follows:

15.704 Excessive False Alarms; ~~Fines~~Fees.

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

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

~~(1)~~ After the fourth false alarm within the permit year, there may 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.

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

(~~BD~~) 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.

(~~CE~~) 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.

(~~DE~~) If ~~the a residential alarm system user~~ fails to pay the excessive false alarm fee within 30 days after ~~receipt~~ the date of the initial notice and no appeal hearing is pending, the Sheriff will notify the alarm user that unless all fees are paid within seven days of ~~receipt~~ the date of the notice, the Sheriff will initiate the no response process. If payment is not received within seven days of the date of the

~~notice~~ 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.

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

Penalty, see § 15.999

Section 4. MCC § 15.705 is amended as follows:

15.705 Excessive Alarms; No Response; Reinstatement Fee.

~~(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.~~

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

(1) The Bureau of Emergency Communications;

(2) The alarm user; and

(3) Any alarm business employed by the alarm user if known; ~~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.~~

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

(C) If a no response order is issued by the Sheriff, a reinstatement fee as set by Board resolution will be charged in addition to any outstanding fees, fines and penalties.

Section 5. MCC § 15.706 is amended as follows:

15.706 Special Permits.

(A) The following alarm users will be issued a special permit:

~~_____ (1) An alarm user required by federal, state, county or city-municipal law to install, maintain and operate an alarm system; or~~

~~_____ (2) A federal, state or local government unit.~~

~~_____ (B) Special permit holders must pay the regular permit fee, but are not subject to the no response procedure under this subchapter.~~

~~_____ (C) Any alarm user that is a federal government agency is not liable for false alarm fees. 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 6. MCC § 15.707 is amended as follows:

15.707 User Instructions Alarm Business Responsibilities.

~~_____ (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 must:~~

~~_____ (A) ~~f~~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.~~

~~_____ (B) The alarm business shall also inform each alarm user of the requirement to obtain a permit and where it can be obtained. Notify the user of the requirement to get a permit and give the user a copy of the application necessary to obtain a permit.~~

~~_____ (C) Give the user a copy of the county notice that outlines the consequences of generating false alarms, including possible fees, penalties, and fines, and such other forms and notices as required by the county.~~

~~(BD) Maintain a list of all active alarm customers and provide this list to the Multnomah County Sheriff's Office upon request. 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 7. MCC § 15.708 is amended as follows:

15.708 Automatic Dialing Device; Certain Interconnections Prohibited.

~~(A) — 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 Sheriff that it is so programmed.~~

~~(B) — It is unlawful for any person to program an automatic dialing device to select any telephone line assigned to the county a governmental agency related to emergency response, 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 Sheriff that an automatic dialing device is so programmed.~~
Penalty, see § 15.999

Section 8. MCC § 15.709 is amended 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~~ 14 days of from the date of notice 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~~ no later than ten 10 days prior to the hearing date, which date ~~shall will~~ not be more than 21 nor less than ~~ten~~ 10 days after the request for hearing is received unless agreed upon by both parties.

(C) The hearing shall be before ~~the Sheriff~~ a hearings officer. The alarm user ~~shall have~~ has the right to present written and oral evidence, subject to the right of cross examination. If the Sheriff determines that the ~~alleged~~ alleged false alarms ~~alleged have~~ occurred in a permit year, the Sheriff ~~shall will~~ issue written findings waiving, expunging or entering a false alarm designation on an alarm user's record at ~~his~~ the Sheriff's discretion. The decision of the Sheriff or hearings officer is final. If false alarm designations are entered on the alarm user's record, the Sheriff may find that the alarm user is liable for hearing costs, including costs of the hearings officer and witnesses and shall will pursue fee collection as set out in §- 15.704 ~~this subchapter.~~

~~(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 § 15.711 is amended as follows:

15.711 Confidentiality, Statistics.

~~(A) — All information submitted in compliance with this subchapter 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 subchapter. The Sheriff shall be charged with the sole responsibility for the maintenance of all records of any kind under this subchapter.~~

~~(B) — Subject to the requirements of confidentiality, the Sheriff shall will develop and maintain statistics within reason for having the purpose of assisting alarm system evaluation for use by members of the public evaluating member service for the municipalities and alarm companies.~~

Section 10. MCC§ 15.714 is amended as follows:

15.714 Enforcement.

(A) Enforcement of this subchapter 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) The failure or omission to comply with any section of this subchapter shall be deemed a violation and may be so prosecuted.

Penalty, see § 15.999

Section 11. This ordinance is effective on July 1, 2009.

FIRST READING:	_____
SECOND READING:	_____
THIRD READING AND ADOPTION:	_____



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Ted Wheeler, Chair

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