

ORDINANCE NO. 490**AN ORDINANCE ESTABLISHING PROCEDURES REGULATING ALARM SYSTEMS WITHIN THE CITY OF AUMSVILLE; TO BE KNOWN AS THE "AUMSVILLE ALARM ORDINANCE".**

WHEREAS, the occupants of numerous residential, commercial and industrial establishments within the incorporated areas of the city have found it desirable to make provision for installation of alarm systems for such emergencies as burglary and robbery, at their own cost and expense, upon their premises.

WHEREAS, there is a growing number of private enterprises that have embarked upon the business of selling or leasing such alarm systems, entering into contract with such occupants for the installation, operation and maintenance of such alarm systems, and providing, either individually or in concert with other private business enterprises, similarly engaged, for the connection of the individual alarms so installed by them to an alarm device or devices.

WHEREAS, the proliferation of the number of private enterprises engaged in the alarm business, each with its own system and equipment, has resulted in conditions, that, if not remedied, will lead to an unnecessary drain on the manpower, time, space, facilities and finances of the incorporated area of the city and its public safety departments and agencies; a deterioration of the quality of service to persons subscribing to alarm services; and inequities among the various private enterprises engaged in the alarm business in the incorporated areas of the city.

WHEREAS, the public interest requires the enactment of rules, regulations, standards, and procedures to regulate and control the private alarm business in the incorporated area of the city.

WHEREAS, in order to protect the health, safety and welfare of the public, regulations of alarm systems is necessary for the following purposes:

1. The municipal departments and agencies charged with the protection of public safety may efficiently and economically coordinate their functions with the various alarm services to which the public of the incorporated area of the city may subscribe;
2. The quality of the alarm services rendered to the public may be improved and maintained at a high level.

The city of Aumsville ordains as follows:

Section 1. Definitions. For the purposes of this ordinance, words in the present tense include the future, the singular number includes the plural and the plural number includes the singular, the word "shall" is mandatory and not directory, the masculine gender includes the feminine and the neuter. As used in this ordinance,

unless the context requires otherwise, the following words and their derivations shall be utilized:

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 in or on any building, structure or facility.

Alarm System. A device, system, assembly or equipment, of interconnected devices, mechanical or electrical, including hardware and related accessories, designed to give warning, or signal the occurrence of a fire, burglary, robbery, medical emergency, other hazardous conditions, or other activity requiring urgent attention and to which police are expected to respond. Residential smoke detectors, which are not connected to a receiving panel at an alarm reception point and do not emit sound outside the residence, are not included within this definition.

Alarm User. The person, firm, partnership, association, corporation, company or organization of any kind, in control of any building, structure, or facility wherein an alarm system is maintained.

Automatic Dialer. A device programmed to select a telephone number and deliver a warning message or signal over standard telephone lines.

Digital Communicator. An automatic dialer specially designed and programmed to deliver an alarm signal to compatible receiving equipment located at an alarm reception point by telephone line.

Emergency Communication Center. The Santiam Canyon Communications Center or the Willamette Valley Communications Center, used to receive transmissions and general information from the public to be dispatched to the respective entities utilizing the centers.

False Alarm. Any activation of an alarm system, which results in the dispatch of emergency personnel to the protected premises, where personnel are unable to discover evidence of an emergency condition. It does not include an alarm signal caused by violent conditions or nature of other extraordinary circumstances not reasonably subject to control by the alarm user. An alarm is not considered false if: there are signs of forced or attempted forced entry; obvious natural circumstances (heavy wind); notification from the alarm company that the system is faulty before personnel arrive on scene; notification from the user that the system or the user erred, before arrival of personnel on scene; notification from a neighbor to indicate their observance of suspicious activity, when no apparent entry or attempted entry can be determined otherwise.

Hard-Wired System. An alarm system that detects and transmits alarms using direct leased lines to a receiving panel at an alarm reception point.

Local Alarms. Systems or devices that sound audibly on the premises of the user, but are not connected to a receiving panel at an alarm reception point.

Protected Premises. All of that contiguous area including buildings protected by a single alarm system and under common ownership and use.

Persons. Any alarm user, be it a natural person, form partnership, association, corporation, company or organization of any kind, profit or nonprofit, public or private, in control of any building, structure, or facility wherein an alarm system is maintained.

Section 2. General System Requirements. No alarm system shall be installed, used, or maintained in violation of any of the requirements of adopted provisions of the Uniform Fire Code or of any applicable statute, law, or administrative regulation of the state or of the city. Any alarm user required by federal, state, county, or municipal statute, regulation, rule, or ordinance to install, maintain, and operate an alarm system shall be subject to this ordinance.

Section 3. Permit Required. Upon the effective date of this ordinance no person shall install, use, or maintain any alarm system without first obtaining a permit for such system from the city. Systems approved and installed prior to adoption of this ordinance shall be governed by such rules and regulations as contained herein. Each permit shall bear the signature of the chief of police and be for a one-year period. The permit shall be physically displayed upon the premises using the alarm system and shall be available for inspection. The permit shall be so displayed as to be readily observable from the main entrance to the alarmed premises. The Aumsville Police Department may refuse to respond to an alarm from a system without a valid permit.

Section 4. Confidentiality. All information submitted as required by this ordinance will be held in the strictest confidence and shall be deemed a public record exempt from disclosure pursuant to state statute; and any violation of confidentiality shall be deemed a violation of this ordinance.

Section 5. Permit: Application, Issuance. Each application for an alarm system permit shall be made on a form prescribed by the city. Each permit application shall be submitted in accordance with this ordinance. Applications for alarm user's permits shall be filed with the city each year.

Upon receipt of the permit application, the city shall undertake such investigation as is deemed necessary. If it appears that the proposed system will comply with the provisions of this ordinance, and any other applicable rules and regulations, the city shall issue, to the applicant, a permit bearing an identifying number specifying the type of alarm system for which it is issued and set the expiration date of the permit.

Section 6. Term of Permit and Renewal. An alarm system permit shall be in effect for one year and will automatically terminate upon any change of principal, class of system or protected premises. No permit may be transferred to another principal or protected premises. Renewal permits must be obtained prior to the expiration of the existing permit. Renewal applications shall contain the principal's signed statement indicating that there has been no changes in principal, protected premises or type of alarm system.

Section 7. Exempt Systems. An alarm user which is a governmental political unit shall be subject to this ordinance; but shall not be subject to payment of additional fees, except the imposition of penalties as provided herein.

Section 8. Maintenance and Repair Responsibility. The holder of an alarm system permit shall, at all times, be responsible for the proper maintenance and repair of the system and for the repair or replacement of any component, method of installation, design feature, or like condition which may give rise to a false alarm.

Section 9. Late Fee.

1. A \$25.00 fee shall be assessed if a user fails to obtain a permit prior to activation of an alarm, or within 45 days of the date of the notice of alarm permit requirement.
2. A late charge of \$10 per month will be assessed on all permit holders who do not submit the renewal application prior to expiration of the permit.

Section 10. False Alarms. A new alarm system user shall be exempt from this fee for the first 60 days from the initial application date, not to exceed 3 false alarms. The user will be notified by mail of a false alarm occurrence and payment of said fee shall be made to the city within 30 days of receipt of the notice. At the discretion of the chief of police, the city shall notify the alarm user of excessive false alarms and direct that the user submit a report to the chief of police within 10 days of receipt of the notice describing actions taken or to be taken to discover and eliminate the cause of the false alarms. An alarm user incurring a false alarm shall be subject to the following fees.

1. First 4 false alarms during the permit year, no charge;
2. For the 5th through 10th false alarms, \$25.00 per alarm;
3. For each false alarm call after the 10th, \$50.00 per alarm.

As a condition of any alarm system permit issued under the provisions of this ordinance and for maintenance of any similar system installed prior to adoption of this ordinance, the permittee shall pay the city fees for false alarms generated by the alarm system according to this schedule.

Any person who has been assessed a false alarm fee may appeal such charge to the chief of police, by giving written notice to the chief of police within 30 days of the invoice assessing such charges. Upon receipt of the appeal notice, the chief of police shall appoint one or more of his staff to investigate the circumstances of the alarms upon which the appeal is based. The investigator shall notify the appellant of a time, not less than two weeks nor more than four weeks following the date upon which the appeal was filed, at or before such time the appellant shall file in writing with the investigator whatever factual information he deems relevant in support of his appeal.

Section 11. Permit: Ground for Revocation. The following shall be grounds for revoking any permit issued pursuant to this ordinance:

1. Any false or incomplete statement made on the permit application;
2. Substantial alteration of alarm transmitting devices other than those approved at the time of the permit application;
3. Testing or deliberate activation of the alarm system without following the provisions set forth in Section 13 of this ordinance;
4. Failure to properly maintain the system;
5. Failure to pay a false alarm fee as prescribed in Section 6 of this ordinance within 30 days of demand. Noncompliance shall subject the protected property to a lien on the property, as well as to the penalties prescribed in Section 7 and 8 of this ordinance.
6. Any permit for an alarm system that has 10 or more false alarms within a permit year may be revoked and the system shall be disconnected.

An alarm user shall immediately discontinue use of the alarm system upon being notified, by certified mail, of the revocation of the permit. Any party whose alarm system permit has been revoked under this section may appeal that action to the city council by giving written notice to the city administrator within 30 days after receipt of the notice of revocation. The filing of a notice of appeal shall stay the action appealed until disposition of the appeal by the council.

Section 12. Training Requirements. The holder of an alarm system permit shall be responsible for training and retraining of employees, family members, and other persons who make regular use of the protected premises and who may, in the normal course of their activities, be in a position to accidentally trigger an alarm device. Such training shall include procedures to avoid accidental alarms and steps to follow in the event the system is accidentally triggered.

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 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 company shall also stress the effect false alarms have on the criminal justice system and the risks to police of responding to alarms. Written material, pre-recorded video information, or other means that have been approved by the chief of police can accomplish this training.

Section 13. Testing of Systems. All alarm system testing shall be conducted in accordance with the following: All service and tests of any alarm system that may result in an officer being dispatched shall be conducted only after notification to the emergency communication center of the intention to conduct such service or tests. Failure to so notify will result in a false alarm assessment. This will include the testing of fire alarm systems.

Section 14. Responsibility for Alarm Deactivation. All permit holders shall furnish and update names and phone numbers of at least two responsible persons having access to the premises who may be notified to assist personnel in the event the alarm is activated.

Section 15. Sound Limitations. Local alarms, other than fire alarms, shall not make a sound similar to that of sirens on emergency vehicles or of civil defense warning systems. Owners of local alarms shall be responsible to maintain and turn the alarm system off in case of malfunction, and are subject to Section 7 of this ordinance. No local alarm-sounding device shall sound for more than five minutes and shall incorporate an automatic cutoff.

Section 16. Enforcement; Authority. The chief of police, under supervision of the city administrator, shall be responsible for the administration and enforcement of this ordinance.

Section 17. Violation; Penalty. A violation of a provision of this ordinance is punishable by a fine not to exceed \$500.00. In addition to other remedies and fees provided for in this ordinance, any person authorized to enforce the provisions of this ordinance may issue an enforcement complaint to any person found in violation of the provisions of this ordinance.

Section 18. Effective Date. This ordinance shall take effect on the 30th day after its enactment.

PASSED by the council March 12, 2001 and signed by the mayor March 14, 2001.