

Marion County Code

Chapter 8.25

ALARMS

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8.25.010 Title.

This chapter shall be known as the alarm system control ordinance and shall be so cited and pleaded. [Ord. 1288 § 1, 2009.]

8.25.020 Purpose.

A. The purpose of this chapter is to require alarm users and alarm businesses to assume responsibility for maintaining the mechanical reliability and the proper use of alarm systems, to prevent unnecessary sheriff's emergency response to false alarms, and thereby to protect the county's emergency response capability from misuse.

B. This chapter governs burglary and robbery alarm systems, requires permits, establishes fees, provides for fines for excessive false alarms, provides for no response to alarms in certain instances, provides for punishment of violations and establishes a system of administration. [Ord. 1288 § 2, 2009.]

8.25.030 Definitions.

For the purposes of this chapter, the following words shall have the following meanings:

“Alarm business” means the business by any individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring 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” means 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 is expected to respond.

“Alarm user” means the person, firm, partnership, association, corporation, company or organization of any kind that owns, controls or occupies any building, structure or facility wherein an alarm system is maintained.

“Automatic dialing device” means 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.

“Burglary alarm system” means an alarm system signaling an entry or attempted entry into the area protected by the system.

“Coordinator” means the individual designated by the sheriff to issue permits and enforce the provisions of this chapter.

“Dispatch facility” means the designated facility used to receive emergency and general information from the public to be dispatched to the Marion County sheriff’s office.

“False alarm” means an alarm signal, capable of eliciting a response by a law enforcement officer when a situation requiring a response by the officer does not in fact exist. An alarm is not considered false if caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to the control of the alarm business or alarm user.

“Interconnect” means to connect an alarm system directly or through a mechanical device so that a message is transmitted to a recipient upon the activation of the alarm system. Connection includes an automatic dialing device that uses a telephone or cellular type phone system, radio frequency, Internet protocol or other similar method of transmitting a message upon the activation of the alarm system.

“No response” means that law enforcement officers may not be dispatched to investigate a report of an alarm signal.

“Notify” means that any notice required to be given by the sheriff to an alarm user must be by mail with return receipt. Notice, whether actual or constructive, is presumed to be given when the sheriff receives the return receipt.

“Permit year” means either of the two years during an alarm permit effective period. An alarm permit covers two permit years: one permit year runs from the issuance date to the one-year anniversary of that date; the other permit year runs from the one-year anniversary date to the two-year anniversary date.

“Robbery alarm system” means an alarm system signaling a robbery or attempted robbery and includes holdup, panic and duress functions.

“Sheriff” means the Marion County sheriff or designee.

“System becomes operative” means that an alarm system is capable of eliciting a response from law enforcement. [Ord. 1288 § 3, 2009.]

8.25.040 Permit and application process.

A. Every alarm user shall obtain an alarm user’s permit from the coordinator’s office within 30 days from the time the system becomes operative. Every alarm user must pay a fee with each application for an alarm permit in an amount established by the board of commissioners. An alarm permit must be obtained for each alarm system.

However, the sheriff shall have discretion to allow an alarm user to obtain one alarm permit for two or more alarm systems operated at a single location. The alarm user must inform the alarm coordinator of each alarm system at that location. Each permit shall bear the sheriff's signature or facsimile thereof, be effective for a two-year period and must be renewed by the two-year anniversary of the issuance date, and each two-year anniversary date thereafter. Alarm users who hold a valid permit on September 30, 2009, must renew that permit on the anniversary of the issuance date after April 1, 2010. The alarm user shall keep the permit physically upon the premises using the alarm system and shall place the permit near the main entrance, so as to be visible to responding deputies.

B. Any person who fails to obtain an alarm user's permit as required in subsection (A) of this section commits a violation of this chapter.

C. An alarm user that is a governmental unit shall be subject to this chapter.

D. When the possession of the premises at which an alarm system is maintained is transferred, the person obtaining possession of the property shall file an application for an alarm permit within 30 days of obtaining possession of the property. Alarm permits are not transferable.

E. 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 fee paid within 30 days of receipt of notice, the permit will terminate and the sheriff will initiate the no response process. If the permit is not renewed and fee paid, the permit will terminate and the sheriff will initiate the no response process and make notifications as provided in MCC 8.25.070(E).

F. If an alarm user fails to obtain an alarm user's permit as required in subsection (A) of this section, the sheriff will initiate the no response process. The sheriff will notify the dispatch facility that the property should be flagged for non-response on any additional alarms generated at the property until such time as an alarm permit is obtained. The sheriff will also notify the alarm user that there may be no response to alarms at that location and this notification will take effect immediately. [Ord. 1288 § 4, 2009.]

8.25.050 Consent to protective sweep of unsecured building or residence.

Any person who obtains an alarm permit after the date of enactment of the ordinance codified in this chapter will be provided with a form requesting consent for the sheriff to enter and perform a protective sweep of any building or residence where an alarm is activated, no responsible person is immediately available to give or refuse consent to enter and the building or residence is unsecured or shows sign of forcible entry. The alarm coordinator shall notify the dispatch facility of all properties where the owner does not grant consent under this section, and shall request that the dispatch facility put a flag on the property notifying responding officers of the lack of consent. [Ord. 1288 § 5, 2009.]

8.25.060 Excessive false alarm fines.

A. Fine. If an alarm user incurs a third false alarm in any permit year, the user shall be subject to an excessive false alarm fine for that incident, and each incident thereafter in the permit year. The excessive false alarm fine amounts shall be established by the board of commissioners.

B. Notice and Payment. The alarm coordinator will notify the alarm user and the alarm business in writing of a false alarm, any fines for excessive false alarms, the consequences of failure to pay the fines, and whether the false alarm results in revocation of the alarm user's permit. The alarm user must pay the fines within 30 days of receipt of the notice.

C. Report. At the discretion of the sheriff, the coordinator shall notify the alarm user of excessive false alarms and direct that the user submit a report to the sheriff within 30 days of the notice describing actions taken or to be taken to discover and eliminate the cause of the false alarms. Failure to submit a report and plan as directed in this subsection will be grounds for revocation of the user's alarm permit as provided in MCC 8.25.070.

D. Hearing.

1. An alarm user who wants to appeal the 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 14 days of the delivery of the notice of false alarm determination from the sheriff. Failure to contest the determination in the required time period results in a rebuttable presumption that the alarm was false. The sheriff may consider appeals that are not received at the sheriff's office within the timeframe set forth above if the alarm user can establish that extenuating circumstances prevented timely appeal.

2. If a hearing is requested, the sheriff will inform the alarm user of the time and place of the hearing at least 10 days prior to the hearing date, but no more than 30 days after the request for a hearing is received.

3. 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. The sheriff may consider police reports relating to the incident. The sheriff shall issue written findings and shall determine whether or not the false alarm occurred and shall indicate the date of the occurrence. The sheriff's determination shall be entered on the alarm user's record. If the sheriff determines that an alarm was false, any fine must be paid within 30 days of the sheriff's determination. If the sheriff determines that permit revocation is appropriate, the sheriff shall initiate the no response process as outlined in MCC 8.25.070(E).

4. The sheriff may designate another person as hearings officer to hear appeals and render decisions. [Ord. 1288 § 6, 2009.]

8.25.070 Revocation.

A. Failure to pay any excessive false alarm fines within 60 days of the date of the notice provided pursuant to MCC 8.25.060 shall result in revocation of the alarm permit until the fines are paid. The sheriff shall notify the alarm user that the permit is revoked and that the property maintaining the alarm system will be placed on the no response list. The alarm user shall have 30 days from the date of the revocation letter to make arrangements with the sheriff's office for payment. If the fines remain unpaid and no payment arrangements have been made at the expiration of 30 days after the date of the notice of revocation, the sheriff's office will initiate the no response process set forth in subsection (E) of this section.

B. If more than four false alarms are generated within a permit year, the sheriff may revoke the alarm permit for a period of not more than one year. This revocation shall

be in addition to and separate from any fines imposed for generating a false alarm. The sheriff shall notify the alarm user that the permit is revoked and that the property maintaining the alarm system will be placed on the no response list. The sheriff may temporarily suspend the revocation for a period of time to determine whether the plan for alleviating the false alarms is effective. If no timely appeal is made of the false alarm determination, or if the sheriff denies the appeal, the sheriff's office shall initiate the no response process as outlined in subsection (E) of this section.

C. Failure to provide a report as required in MCC 8.25.060(C) shall result in revocation of the alarm permit until the report is provided. The sheriff shall notify the alarm user that the permit is revoked and that the property maintaining the alarm system will be placed on the no response list. If no report is provided, the sheriff's office will initiate the no response process set forth in subsection (E) of this section.

D. Any alarm user who has had their alarm permit revoked shall pay a reinstatement fee in an amount established by the board of commissioners. No alarm permit may be reinstated until all outstanding fees, fines and civil penalties, including the reinstatement fee, are paid in full.

E. When a property is placed on the no response list, the sheriff shall notify the dispatch facility that the property should be flagged for nonresponse on any additional alarms generated at the property until such time as the alarm permit is reinstated. The sheriff shall also notify by mail with return receipt:

1. The alarm user;
2. Any alarm business employed by the alarm user, if known; and
3. Any persons listed on the alarm user's permit who are to be contacted in case of emergency.

The sheriff's office may cease responding to an alarm beginning seven days after the date the sheriff receives return receipt for the notice provided to the alarm user under this subsection. [Ord. 1288 § 7, 2009.]

8.25.080 False alarms from unpermitted system or after permit revoked.

A. An alarm user commits a violation of this chapter if the alarm user generates a false alarm and does not have a current alarm user's permit. An alarm user commits this violation even if the property that is the subject of the violation has been placed on the no response list.

B. Any alarm user who has had their alarm permit revoked shall take steps to immediately disable the alarm or otherwise configure the alarm system so it does not generate additional false alarms. Notwithstanding the fact that the sheriff's response has been discontinued due to the revocation, generating additional false alarms, after an alarm permit has been revoked and not reinstated, shall be a violation of this chapter. [Ord. 1288 § 8, 2009.]

8.25.090 Duties of alarm business.

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 chapter 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. 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 chapter shall notify the user of

the requirement to get a permit, shall provide every user with a copy of the application necessary to obtain a permit and shall provide every user a fact sheet, provided by the coordinator, outlining the consequences of generating false alarms, including possible fees, fines and civil penalties, as well as any other forms and notices required by the coordinator. The alarm business shall maintain a record demonstrating compliance with this section, and must provide this documentation to the Marion County sheriff's office upon request. Alarm businesses must provide monthly updates of their designated customer lists to the coordinator by the tenth day of the following month. Calls for response to an alarm event by an alarm business must include the corresponding Marion County sheriff's office alarm permit number.

B. All alarm businesses monitoring burglary alarm systems located within Marion County subject to this chapter shall, prior to making a police alarm dispatch request, do the following:

1. Attempt a verification call to the alarmed premises;
2. If the alarm user is not contacted on the initial verification call, attempt a second verification call to a cell phone or other alternate contact number designated by the alarm user.

This subsection does not apply to robbery hold-up/panic/duress alarms. The alarm business shall provide a record demonstrating compliance with this section upon request by the Marion County sheriff's office.

C. Ninety days after enactment of the ordinance codified in this chapter, all alarm businesses installing a new alarm system or new control panel in any property subject to this chapter shall use only alarm control panels that meet SIA Control Panel Standard CP-01. The alarm business shall provide a record demonstrating compliance with this section upon request by the Marion County sheriff's office.

D. An alarm company performing monitoring services must communicate a cancellation to the dispatch facility as soon as possible following a determination that a law enforcement response to an alarm is unnecessary.

E. Failure to comply with any provision of this section shall constitute a violation of this chapter. [Ord. 1288 § 9, 2009.]

8.25.100 Special permits.

An 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 the following:

- A. A permit shall be designated a special alarm user's permit.
- B. A special alarm user's permit for a system that has four false alarms in a permit year shall not be subject to the no response procedure specified within this chapter but shall pay the regular fees and fines according to this chapter.
- C. The payment of any fees and fines provided for in subsection (B) of this section shall not be deemed to extend the term of the permit. [Ord. 1288 § 10, 2009.]

8.25.110 Automatic dialing device – Certain interconnections prohibited.

It is a violation of this chapter for any person to program any device to automatically contact an emergency communication response entity that is designated to receive emergency calls and it is a violation of this chapter for an alarm user to fail to disconnect or reprogram such a device that is programmed to contact an emergency

communication response entity within 12 hours of receipt of written notice from the coordinator that it is so programmed. [Ord. 1288 § 11, 2009.]

8.25.120 Confidentiality.

All information submitted in compliance with this chapter shall be held in the strictest confidence and shall be deemed a public record exempt from disclosure to the extent permitted by law pursuant to ORS Chapter 192. [Ord. 1288 § 12, 2009.]

8.25.130 Enforcement and penalties.

A. This chapter shall be enforced by the Marion County sheriff's office or Marion County code enforcement.

B. Violations of this chapter shall be subject to a civil penalty in an amount to be established by the board of commissioners. Enforcement of violations of this chapter shall be accomplished through Chapter 1.25 MCC.

C. The failure or omission to comply with any section of this chapter shall be deemed a violation and may be so prosecuted, subject to the penalty provided in subsection (B) of this section.

D. The provisions of this chapter are in addition to, and not in lieu of, any other procedures and remedies provided by law, including equitable relief and damages. [Ord. 1288 § 13, 2009.]

8.25.140 Government immunity.

The provisions of this chapter require alarm registration but do not impose a duty or obligation on the sheriff's office to respond to alarm notification from systems that are either permitted or unpermitted. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm permit, the alarm user acknowledges that the Marion County sheriff's office response may be influenced by factors such as: the availability of sheriff units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history. [Ord. 1288 § 14, 2009.]

8.25.150 Action to recover fees and fines authorized.

A. The office of county counsel may file an action on behalf of the county to collect fines and civil penalties arising from this chapter. If the county prevails in an action filed under this section, the county shall be entitled to reasonable attorney's fees and costs.

B. Nothing in this section shall prevent the county from using any other lawful method for collecting amounts due for fines and civil penalties under this chapter, including assigning the debt to a collection agency. [Ord. 1288 § 15, 2009.]

8.25.160 Board authority to contract with other governmental entities.

The board of commissioners is authorized to contract with any municipality or political subdivision of the state of Oregon in a cooperative effort to enforce this chapter. [Ord. 1288 § 16, 2009.]