

ORDINANCE NO. 1423

AN ORDINANCE RELATING TO BURGLAR ALARM SYSTEMS, REQUIRING ALARM USERS TO OBTAIN A PERMIT, PROVIDING FOR ISSUANCE OF PERMITS AND REVOCATION THEREOF, PROHIBITING CERTAIN INTERCONNECTIONS AND AUTOMATIC DIALING PRACTICES, AND PROVIDING FOR ADMINISTRATION OF THE ORDINANCE.

WHEREAS, a study of the use of alarm systems in homes and businesses in the City of Hood River installed to aid in the prevention of burglaries and robberies indicated that over 90 percent. of the alarms received by the Police Department were false alarms resulting from human error, carelessness, or faulty equipment, and

WHEREAS, each alarm received by the Police Department from such systems concentrates all of the available personnel on duty in response to the alarm which causes an unnecessary expense to the City with no corresponding benefit to the users or the City and regulation is needed to reduce the number of false alarms,

NOW, THEREFORE, THE CITY OF HOOD RIVER ORDAINS AS FOLLOWS:

Section 1: Purpose. The purpose of this ordinance is to protect the emergency services of the City from misuse, and is to govern burglary and robbery alarm systems, to require permits, establish fees and establish a system of administration.

Section 2. Definitions.

1. "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 facility.

2. "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 police are expected to respond.

3. "Alarm User" means the person, firm, partnership, association, corporation, company or organization of any kind in control of premises wherein an alarm system is maintained.

4. "Automatic Dialing Device" means a device which is interconnected to a telephone line and is programmed to transmit

by voice message or code signal a selected telephone number indicating a need for emergency response.

5. "Burglary Alarm System" means an alarm system signaling an entry or attempted entry into the area protected by the system.

6. "False Alarm" means an alarm signal eliciting a response by police where an emergency situation does not in fact exist, but does not include an alarm caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.

7. "Interconnect" means to connect an alarm system including any 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.

8. "Primary Trunk Line" means a telephone line serving the Police Department that is designated to receive emergency calls.

9. "Robbery Alarm System" means an alarm system signaling a robbery or attempted robbery.

10. "Chief of Police" means the Chief of the City of Hood River Police Department, or his designated representative in the department.

Section 3. Alarm Users Permits Required.

1. All alarm users shall obtain an alarm user's permit for each premises from the Police Department upon the effective date of this ordinance or prior to use of an alarm system. Systems using robbery and burglary alarm capabilities will be required to obtain a separate permit for each function. Application for a burglar or robbery alarm user's permit will be filed with the Police Department each calendar year. The fee for the remainder of 1978 will be \$6.00 and thereafter will be \$10.00 per calendar year or any portion thereof. Each permit issued shall bear the signature of the Chief of Police or his designated deputy. The permit shall be physically upon the premises using the alarm system and shall be available for inspection by any police officer of the City.

2. A revoked user's permit shall be obtained from the Police Department by filing the required application and a fee of \$40.00. Each permit issued shall bear the signature of the Chief of Police or his designated deputy and shall be for a one-year period. The permit shall be physically upon the premise using the alarm system and shall be available for inspection by any police

officer of the City.

3. A residential alarm user who is over the age of 65, where the household income as determined by ORS 310.630 through 310.657 is less than \$6,000.00, and is the primary resident of the residence, and if no business is conducted within the residence, may obtain a user's permit from the Police Department according to Section 3(1) upon a payment of one-half the fee for other charges.

4. A \$20.00 late charge will be charged users who fail to obtain a permit within 60 days after the effective date of this ordinance, or who are 60 days delinquent in renewing a permit.

Section 4. User Instructions.

1. Every alarm business selling, leasing or furnishing to any user an alarm system which is installed on premises located within an area served by the City of Hood River Police Department shall furnish that user with instructions that provide information to enable the user to operate the alarm system properly and to locate and obtain a service for the alarm system at any time.

2. Standard form instructions shall be submitted by every such alarm business to the Chief of Police within 30 days after the effective date of this ordinance. If he reasonably finds such instructions to be incomplete, unclear or inadequate, he may require the alarm business to revise the instructions to comply with Section 4(1) and then to distribute the revised instructions to its alarm users.

Section 5. Automatic Dialing Device: Certain Interconnections Prohibited.

1. 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 twelve (12) hours of receipt of written notice from the Chief of Police that it is so programmed.

2. No automatic dialing devices shall be hereafter programmed or connected to the alarm system. No replacement of an existing automatic dialing device shall be programmed or connected to the alarm system.

3. It is unlawful for any person to program an automatic dialing device to select any telephone line assigned to the City; and it is unlawful for an alarm user to fail to disconnect or reprogram such device within twelve (12) hours of receipt of written notice from the Chief of Police that an automatic dialing

device is so programmed.

Section 6. False Alarms: Permit Revocation.

1. Any alarm system which has four or more false alarms within a permit year shall be subject to permit revocation as provided herein.

2. If the Police Department records three false alarms within any twelve month period for any alarm system the user shall pay an additional fee of \$20.00 to the City of Hood River within thirty days therefrom and upon his failure to pay the same his connection shall be disconnected subject to right of appeal as provided in subparagraphs (d) and (e) ^{in the} following paragraph 3.

3. If the Police Department records four or more false alarms within a twelve month period for any alarm system:

(a) The Chief of Police shall notify the alarm user by certified mail of such fact and direct that the user submit a report to the Chief of Police within fifteen days of receipt of the notice describing actions taken or to be taken to discover and eliminate the cause of the false alarms.

(b) If the alarm user submits a report as directed, the Chief of Police shall determine if the action taken or to be taken will substantially reduce the likelihood of false alarms; if he determines that the action will substantially reduce the likelihood of false alarms, he shall notify the alarm user in writing that his permit will not be revoked at that time, but that if two more false alarms occur within the permit year, the user's permit will be revoked.

(c) If no report is submitted, or if the Chief of Police determines that the action taken or to be taken will not substantially reduce the likelihood of false alarms, the Chief of Police shall give notice by certified mail to the user that the permit will be revoked without further notice, if the user does not file with the Chief of Police within ten days a written request for a hearing.

(d) If a hearing is requested, written notice of the time and place of the hearing shall be served on the user by the Chief of Police by certified mail at least ten (10) days prior to the date set for the hearing, which date shall not be more than 21 nor less than 10 days after the filing of the request for hearing.

(e) The hearing shall be before the City Council, and the Chief of Police and the alarm user shall have the right to present written and oral evidence, subject to the right of cross-examination. If the City Council determines that four or more false alarms have occurred, and that the user has not taken action which substantially reduces the likelihood of false alarms, the Council shall issue written findings to that effect and an order revoking the user's permit.

(f) An alarm user shall immediately discontinue use of his alarm system upon being notified by certified mail of the revocation of his permit pursuant to either Section 6(b) or 6(e).

(g) An alarm user whose permit has been revoked may apply for a revoked user's permit as provided in Section 3(2). The Chief of Police shall not be required to issue a revoked user's permit, unless he is satisfied that the user's system has been properly serviced and its deficiencies corrected. The Chief of Police may impose reasonable restrictions and conditions upon the user, before issuing a revoked user's permit, which restrictions and conditions shall be written on the permit. A revoked user's permit shall be issued for a one (1) year period. If the alarm user does not have two (2) or more false alarms during that period, he may apply for a permit for the following year under the provisions of Section 3(1).

Section 7. Allocation of Revenues and Expenses.

1. All fees and fines collected pursuant to this ordinance shall be general fund revenues of the City of Hood River.

Section 8. Separability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 9. Enforcement and Penalties.

1. Enforcement of this ordinance may be by civil action as provided in ORS 30.315, or by criminal prosecution, for violation of this ordinance.

2. Violation of this ordinance shall be punished upon conviction by fine of not more than \$500.00.

3. The failure of 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 (2) of this section.

Read for the first time: January 24, 1978.

Read for the second time: February 14, 1978.

PASSED by the Council of the City of Hood River
this 14 day of February, 1978.

Donna M. Suggs
City Recorder

APPROVED by the Mayor of the City of Hood River
this 14 day of February, 1978.

Charles F. Beardsley
Mayor