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ORDINANCE NO. 632

Introduced by Councilor Russo

AN ORDINANCE REGULATING ALARM SYSTEMS AND PROVIDING PENALTIES.

THE CITY OF GEARHART DOES ORDAIN AS FOLLOWS:

Section 1. Definitions:

(a) "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.

(b) "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.

(c) "Alarm user" means the person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility in which an alarm system is maintained.

(d) "Automatic dialing device" means a device which is connected 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.

(e) "Burglary alarm system" means an alarm system signaling an entry or attempted entry into the area protected by the system, inclusive of silent and audible alarm systems.

(f) "False alarm" means an alarm signal eliciting a response by police when a situation requiring a response by the police does not in fact exist. It does not include an alarm signal caused by violent conditions or nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.

(g) "Interconnect" means 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.

Section 2. Alarm user permits required. Every alarm user shall obtain an alarm user permit for each system from the city auditor 30 days after the effective date of this ordinance or prior to use of an alarm system. Application for a burglary alarm user's permit and a fifteen dollar (\$15) fee shall be filed with the city auditor each year. Each permit shall be for a one-

year period. The permit shall be kept physically upon the premises using the alarm system, and shall be available for inspection by the chief of police or his representative.

Section 3. Senior citizen's exemption. If a residential alarm user is over the age of sixty and/or is physically handicapped and is the primary resident of the residence and if no business is conducted in the residence, a user's permit may be obtained from the city auditor's office according to Section 2 without the payment of a fee.

Section 4. Charge for failure to obtain or renew permit. A twenty-five dollar (\$25) charge will be charged in addition to the fee provided in Section 2 to a user who fails to obtain a permit within sixty days after the effective date of this ordinance or who is more than sixty days delinquent in renewing a permit.

Section 5. Emergency notification resources person. The alarm permittee shall provide the police department with the name of the person to be notified in the event of an emergency.

Section 6. User instructions.

(a) Every alarm business selling, leasing or furnishing to any user an alarm system which is installed on premises located in the city 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.

(b) Standard form instructions shall be submitted by every alarm business to the chief of police within sixty days after the effective date of this ordinance. If he finds such instructions to be incomplete, unclear or inadequate, he may require the alarm business to revise the instructions to comply with subsection (a) of this section and then to distribute the revised instructions to its alarm users.

Section 7. Automatic dialing device--Certain inter connections prohibited.

(a) It is unlawful for any person to program an automatic dialing device to the 911 prefix requiring a police response.

Section 8. Response to alarms.

(a) Whenever an alarm is activated in the city thereby requiring an emergency response to the location by the police department and the department does respond, the police personnel on the scene of the activated alarm system shall inspect the area protected by the system and shall determine whether the emergency response was in fact required as indicated by the alarm system or whether the alarm signal was a false alarm.

(b) If the police department personnel at the scene of the activated alarm system determine the alarm to be false, said personnel shall make a report of the false alarm.

(c) The chief of police or his designee shall have the

right to inspect any alarm system on the premises to which response has been made, and he may cause an inspection of such system to be made at any reasonable time thereafter.

Section 9. Excessive false alarm fee assessment.

(a) If any alarm system produces three false alarms in any calendar year, the chief of police shall provide by certified mail written notice of the fact asking the alarm user to take corrective action in regard to false alarms and informing the alarm user of the false alarm fee schedule provided herein.

(b) Alarm users installing a new system or making substantial modifications to an existing system shall be entitled to a grace period during which alarms generated by such system shall be deemed nonfalse alarms. The grace period shall cease thirty days after installation of or modification to an alarm system.

(c) Upon any alarm system producing the fourth and fifth false alarm in a calendar year, a fee of fifty (\$50) dollars per false alarm shall be charged to the alarm user.

(d) Any alarm owner which has a sixth false alarm in a calendar year shall be subject to a \$75 fee and a disconnect order. Upon receipt of the fee and satisfactory evidence of remedial measures, the chief may rescind the disconnect order.

(e) All fees assessed must be paid to the city or a written appeal must be submitted to the city auditor within five working days of fee assessment.

Section 10. Administration and Appeal.

(a) The Chief of Police shall administer the alarm system program and be the determining authority in matters in question regarding removal and status of alarm systems.

(b) At such times as an alarm user disagrees with determinations relating to the alarm program, he may appeal in writing to the City Council within five working days of the determination and shall receive a hearing on the matter. The decision of the City Council shall be final.

Section 11. Alarm Business Reporting Requirements.

(a) Upon selling, leasing or otherwise providing an alarm system to a user, an alarm business shall inform the user of the requirement to obtain an alarm permit, provide a copy of the required form to the user, and shall inform the user of the procedure to be followed to apply for said permit.

(b) Every alarm business shall upon selling, leasing or otherwise furnishing an alarm system to any user shall make written notification to the chief. Such written notification shall be on a form to be provided by the police department and shall contain at least the following information:

- Name of the alarm user
- Address at which the alarm system is to be located
- Name of the alarm business providing the alarm system
- Type of alarm system being provided
- Date alarm system furnished

(c) Every alarm business subject to this ordinance shall

mail or deliver the notification forms to the police department within five business days after furnishing an alarm system to a user.

(d) Upon the failure of an alarm business to meet the requirements of Section 11, the City shall serve notice of intent to revoke the business permit.

Section 12. Confidentiality--Statistics.

(a) All information submitted in compliance with this ordinance shall be held in the strictest confidence and shall be deemed a public record exempt from disclosure pursuant to state statute. The police department shall be charged with the responsibility for the maintenance of all records of any kind whatsoever under this ordinance.

Section 13. Enforcement and penalties.

(a) Violation of this ordinance shall be punishable upon conviction by a fine of not more than five hundred dollars (\$500).

(b) 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 (a) of this section.

Passed by the Common Council of the City of Gearhart this 2nd day of ~~September, 1988.~~ NOVEMBER 1988.

Signed and approved by the Mayor of the City of Gearhart this 2nd day of ~~September, 1988.~~ NOVEMBER 1988.

Leo W. Sayles
Leo Sayles, Mayor

ATTEST:

Bruce Maltman
Bruce Maltman, Auditor