

## Chapter 8.12

## ALARM SYSTEMS

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**8.12.010 Short title.**

This chapter shall be known as the “alarm system control ordinance of the county” and may be so pleaded and shall be referred to herein as “this chapter.” (Ord. 616 § 2(A) Exhibit A (part), 2005: Ord. 390 § 2 (Exhibit A(part)), 1991: Ord. 199 § 1(A), 1977)

**8.12.020 Purpose.**

The Board of County Commissioners finds and declares as follows:

A. The occupants of numerous residential, commercial, and industrial establishments in the unincorporated areas of the county have found it desirable to make provision for the installation upon their premises, at their own cost and expense, of alarm systems for such emergencies as burglary and robbery.

B. There are 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 alarm systems so installed by them to an alarm device or devices.

C. 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 unincorporated areas of the county 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 unincorporated areas of the county. Further, experience has demonstrated that the vast majority of alarms are false. Response to false alarms is a significant drain on law enforcement resources and creates a risk to public safety by diverting deputies from other duties.

D. The public interest, therefore, requires the enactment of rules, regulations, standards, and procedures to regulate and control the private alarm business in the unincorporated areas of the county for the following purposes:

1. The municipal departments and agencies charged with the protection of public safety should efficiently and economically coordinate their functions with the various alarm services to which the public of the unincorporated areas of the county may subscribe;

2. The quality of the alarm services rendered to the public should be improved and maintained at a high level;

3. This chapter shall be construed so as to effectuate the purposes as set forth in subsection (D)(2) of this section. (Ord. 616 § 2(A) Exhibit A (part), 2005; Ord. 390 § 2 (Exhibit A(part)), 1991; Ord. 199 § 1(B), 1977)

### **8.12.030 Definitions.**

For the purposes of this chapter, 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, and the term “this chapter” shall be deemed to include all amendments hereinafter made to the ordinance codified in this chapter. As used in this chapter, unless the context requires otherwise, the following words and their derivations shall be utilized:

“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 in or on any building, structure, or facility. Alarm businesses also include any person, business, or organization that monitors security alarm systems and initiates alarm dispatch requests.

“Alarm dispatch request” means the initiating of a communication to the police, via Washington County Consolidated Communications Agency (WCCCA), by an alarm business indicating that a security alarm system has been activated at a particular alarm site and requesting police response to that alarm site.

“Alarm system” means any assembly or 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.

“Alarm user” means 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.

“Board” means the governing body of the county.

“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 of the county to issue permits and enforce the provisions of this chapter.

“Current alarm permit” means an alarm permit that is not expired, not revoked, and has no outstanding fees, penalties, or fines.

“False alarm” means an alarm signal, capable of eliciting a response by police when a situation requiring a response by the police does not in fact exist. 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 an officer arrives on the scene; notification from the user that the system or the user erred before an officer arrives on the scene; or if a neighbor comes forward to

indicate their observance of suspicious activity when no apparent entry or attempted entry can be determined otherwise.

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

“Sheriff” means the director of the department of public safety of the county or his designated representative.

“SIA Control Panel Standard CP-01” means the American National Standard Institute approved Security Industry Association – SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked as follows : “Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction”.

(Ord. 616 § 2(A) Exhibit A (part), 2005: Ord. 390 § 2 (Exhibit A (part)), 1991: Ord. 199 § 2, 1977)

#### **8.12.40 Permit and application process—Required.**

Every alarm user shall obtain an alarm user’s permit annually for their burglar or robbery alarm system from the coordinator’s office upon the effective date of the ordinance codified in this chapter or prior to use of an alarm system. Application for a burglar or robbery alarm user’s permit shall be filed with the coordinator’s office, and may be required by the sheriff each year. A fee for said applications shall be established by board resolution and order. Each permit shall bear the signature of the sheriff and shall be for a one-year period. The permit shall be physically upon the premises using the alarm system and shall be placed near the main entrance to the premises, so as to be visible to responding deputies. A separate Alarm Permit is required for each Alarm Site. Failure to comply with this section is unlawful and shall be punishable by citation as provided in Sections 8.12.185 and 8.12.200 of this chapter. (Ord. 616 § 2(A) Exhibit A (part), 2005: Ord. 390 § 2 (Exhibit A(part)), 1991: Ord. 244 § 2(A), 1981: Ord. 199 § 4 (A), 1977)

#### **8.12.055 Consent to protective sweep of unsecured building or residence.**

Any person who obtains or renews an alarm permit after the date of enactment of this section will be provided with a form requesting consent for the police to enter and perform a protective sweep of any building or residence where an alarm is activated, the building or residence is unsecured or shows sign of forcible entry, and no responsible person is immediately available to give or refuse consent to enter. The alarm coordinator shall notify the Washington County Consolidated Communications Agency (WCCCA) of all properties where the owner does not grant consent under this section, and shall request that WCCCA put a flag on the property notifying responding officers of the lack of consent. (Ord. 616 § 2(A) Exhibit A (part), 2005)

#### **8.12.060 Abatement of nuisance alarms.**

Notwithstanding any other provision of law, a peace officer responding to an alarm may disable the alarm when no responsible person is readily available to silence the alarm and the alarm is disturbing the peace, health, or repose of the neighbors. Such alarms are deemed public nuisances, and peace officers are hereby authorized to immediately abate such nuisances by disabling the alarm. The police officer must use the least destructive method reasonably available to disable the alarm, and shall provide written notice to the homeowner of the time and reason the alarm was disabled. The

written notice may be posted upon the main entrance of the residence or business. If the police officer forces entry into a building or residence to disable the alarm, prior to leaving the police officer will take all reasonable steps to secure the business or residence from further entry or damage, unless the owner or other responsible person is present on the scene prior to the departure of the officer. (Ord. 616 § 2(A) Exhibit A (part), 2005)

**8.12.070 Permit—Delinquent application charge.**

A charge, established by board resolution and order, will be charged in addition to the fee provided in Section 8.12.040 of this chapter to a user who fails to obtain a permit within sixty days of installation of a system capable of eliciting a response, or who is more than sixty days delinquent in renewing a permit. Failure to obtain a permit within sixty days of installation of an alarm system capable of eliciting a response is unlawful, and shall be punishable by citation as provided in Sections 8.12.185 and 8.12.200 of this chapter. (Ord. 616 § 2(A) Exhibit A (part), 2005: Ord. 390 § 2(Exhibit A (part)), 1991: Ord. 244 § 2 (D), 1981: Ord. 199 § 4(D), 1977)

**8.12.090 Permit for governmental political unit.**

An alarm user, who is a governmental political unit, shall be subject to this chapter; but a permit shall be issued without payment of a fee and shall not be subject to payment of additional fees but shall be subject to the imposition of penalties as provided herein. (Ord. 616 § 2(A) Exhibit A (part), 2005: Ord. 390 § 2 (Exhibit A(part)), 1991: Ord. 244 § 2(F), 1981: Ord. 199 § 4(F), 1977)

**8.12.100 Furnishing user instructions required.**

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 monitoring, 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 notice, provided by the coordinator, outlining the consequences of generating false alarms, including possible fees, penalties, and fines, and such other forms and notices as required by the coordinator. The alarm business shall maintain a record demonstrating compliance with this section, and must provide this documentation to the Washington County sheriff's office upon request. Alarm businesses must provide monthly updates of their designated customer list information to the Washington County Sheriff's Office Alarm Unit by the 10<sup>th</sup> day of the following month. Calls for emergency response to an alarm event by an alarm business must include the corresponding Washington County Sheriff's Office alarm permit number. Failure to comply with this section is unlawful and shall be punishable by citation as provided in Sections 8.12.185 and 8.12.200 of this chapter. (Ord. 616 § 2(A) Exhibit A (part), 2005: Ord. 390 § 2 (Exhibit A(part)), 1991: Ord. 199 § 5, 1977)

**8.12.110 Enhanced Call Verification (ECV) – False Alarm Reduction**

All alarm businesses monitoring burglar alarm systems located within Washington County subject to this ordinance shall, prior to making a police alarm dispatch request, do the following:

1. Attempt a verification call to the alarmed premises;
2. If no responsible party is located 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 section 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 Washington County Sheriff's Office. Failure to comply with this section is unlawful and shall be punishable by citation as provided in 8.12.185 and 8.12.200.

#### **8.12.115 Equipment Installation Standard – False Alarm Reduction**

Ninety (90) days after enactment of this Ordinance, all alarm businesses installing a new alarm system or new control panel in any property subject to this ordinance, shall use only alarm control panels which meet SIA Control Panel Standard CP-01. The alarm business shall provide a record demonstrating compliance with this section upon request by the Washington County Sheriff's Office. Failure to comply with this section is unlawful and shall be punishable by citation as provided in 8.12.185 and 8.12.200.

#### **8.12.120 Government Immunity**

Alarm Registration is not intended to and does not create a contract, duty, or obligation, either expressed or implied, of response to an alarm. 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 Registration, the Alarm User acknowledges that law enforcement response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, and prior response history.

#### **8.12.125 False alarm fees.**

- A. An alarm user incurring a false alarm shall be subject to a fee to be established by board resolution and order.
- B. A new alarm user shall be exempt from this fee for the first sixty days from the initial installation date, not to exceed three false alarms.
- C. The user will be notified by mail of a false alarm occurrence and payment of the fee shall be made to the coordinator within thirty days of receipt of the notice.
- D. 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 ten days of receipt of the notice describing actions taken or to be taken to discover and eliminate the cause of the false alarms.
- E. Failure to submit a report as directed in subsection D of this section shall be grounds for revocation of the user's alarm permit. (Ord. 616 § 2(A) Exhibit A (part), 2005; Ord. 390 § 2 (Exhibit A(part)), 1991)

#### **8.12.127 Penalties.**

- A. Any alarm user incurring four or more false alarms within a permit year shall be subject to penalties, in addition to fees, to be established by board resolution and order.
  - B. The user will be notified by mail of the penalty and fees, and payment shall be made to the coordinator within thirty days of receipt of the notice.
  - C. A charge, to be established by board resolution and order, will be charged to a user who is more than 60 days delinquent in paying false alarm fees and penalties. D. .
- Any governmental political unit incurring more than five false alarms in a permit year shall be subject to penalties as described in this section. 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 ten days of receipt of the notice describing actions taken or to be taken to discover and eliminate the cause of the false alarms. A meeting between the sheriff's representative and the governmental political alarm user may be substituted for a report.

E. . Failure to pay any renewal fee, false alarm fee, or penalty within ninety days shall result in revocation of the alarm permit until the fees are paid. The alarm user shall be notified by first-class and certified mail of the revocation and the fact that no further law enforcement response to alarms at that property will be forthcoming. The alarm user shall have fourteen days from the date of the revocation letter to make arrangements with the sheriff's office for payment. If the fees remain unpaid and no payment arrangements have been made at the expiration of fourteen days after the date of the notice of revocation, the sheriff's office shall notify the Washington County Consolidated Communications Agency (WCCCA) of the revocation and request that WCCCA flag the property for nonresponse on any additional alarms generated at the property until such time as the alarm permit is reinstated.

F. . If more than four false alarms are generated within a rolling twelve-month period, the coordinator 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 citation for generating a false alarm. The alarm user shall be notified by first-class and certified mail of the revocation and the fact that no further police response will be forthcoming for additional alarms generated at the property. The alarm user will have fourteen days from the date of the revocation to petition the sheriff's office for reconsideration. No petition for reconsideration of a revocation under this section may be considered unless the alarm user is current on all fees, fines, and penalties and provides a written plan for resolving the false alarms. 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 petition for reconsideration is made or if the sheriff denies the petition, the sheriff's office shall notify the alarm user and the Washington County Consolidated Communications Agency (WCCCA) of the revocation and shall request that WCCCA flag the property for nonresponse on any additional alarms generated at the property until such time as the alarm permit is reinstated.

G. Any alarm user who has had their alarm permit revoked shall pay a reinstatement fee of thirty dollars. No alarm permit may be reinstated until all outstanding fees, fines, and penalties, including the reinstatement fee, are paid in full. (Ord. 616 § 2(A) Exhibit A (part), 2005; Ord. 390 § 2(Exhibit A(part)), 1991)

#### **8.12.128 Generating false alarms after alarm permit revoked.**

It is unlawful to generate additional false alarms when the alarm permit for that alarm has been revoked and not reinstated. Any alarm user who has had their alarm permit revoked shall take steps to disable the alarm or otherwise configure the alarm system so it does not generate additional false alarms. Notwithstanding the fact that police response has been discontinued due to revocation, generating additional false alarms, after an alarm permit has been revoked and not reinstated, shall be unlawful and punishable by citation as provided in Sections 8.12.185 and 8.12.200 of this chapter. (Ord. 616 § 2(A) Exhibit A (part), 2005)

#### **8.12.130 Confidentiality.**

All information submitted, as required by this chapter, will be held in the strictest confidence and shall be deemed a public record exempt from disclosure pursuant to state statute. The coordinator shall be charged with the responsibility for the maintenance of all records of any kind whatsoever under this chapter. (Ord. 616 § 2(A) Exhibit A (part), 2005; Ord. 390 § 2(Exhibit A(part)), 1991; Ord. 199 § 8(A), 1977)

#### **8.12.135 Action to recover fees and penalties authorized.**

A. The office of count counsel may file an action on behalf of the county to collect delinquent fees and or penalties arising from this chapter, provided the amount owed is at least one thousand dollars. 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 be construed as restricting the authority of the county to enter into a settlement of the dispute, including waiving some or all amounts due the county. The authority to settle a disputed amount under this chapter is delegated to the sheriff, with the advice and consent of the county counsel.

C. Nothing in this section shall prevent the county from using any other lawful method for collection of amounts due for fees and penalties under this chapter, including turning over the amounts to the Washington County Finance Department for collections, or assigning the debt to a collection agency. (Ord. 616 § 2(A) Exhibit A (part), 2005)

#### **8.12.140 Statistics maintenance.**

Subject to the requirements of confidentiality, the coordinator shall develop and maintain statistics having the purpose of assisting alarm system evaluation for use by members of the public. (Ord. 616 § 2(A) Exhibit A (part), 2005; Ord. 390 § 2 (Exhibit A (part)), 1991; Ord. 199 § 8 (B), 1977)

#### **8.12.150 Allocation of revenues and expenses.**

A. The county shall maintain records in accordance with sound accounting principles sufficient to determine on a fiscal year basis the direct costs of administering this chapter and ordinances of municipal corporations having the same purpose as this chapter and which are administered by the county officers or employees, including salaries and wages (excluding the sheriff individually), travel, office supplies, postage, printing, facilities, office equipment, and other properly chargeable costs.

B. No later than July 31st of each year, the county shall render an account to each municipal corporation having an ordinance with the same purpose as the ordinance codified in this chapter and which is administered by the county officers or employees, which account shall establish the net excess revenue or cost deficit for the preceding fiscal year and shall allocate that excess revenue, if any, or deficit, if any, to the county and any municipal corporation entitled to an account proportionately as the number of permits issued for alarm systems within the corporate limits of the respective municipal corporation and the unincorporated areas of the county; provided, that no allocation shall be made if the net excess revenue or deficit is less than two thousand five hundred dollars.

C. Distribution by the county of any excess revenue or payment of allocated deficit amount by a municipal corporation shall be made not later than September 1st of each fiscal year.

D. "Sound accounting principles," as used in this section, shall include, but not be limited to, practices required by the terms of any state or federal grant or regulations applicable thereto which relate to the purpose of this chapter. (Ord. 616 § 2(A) Exhibit A (part), 2005; Ord. 390 § 2 (Exhibit A(part)), 1991; Ord. 199 § 9, 1977)

#### **8.12.160 Board authority to contract with other governmental entities.**

The of the county is authorized to contract for alarm system services with any political subdivision of the state of Oregon, municipality, or other governmental entity, body, or agency in a cooperative effort to enforce the ordinance codified in this chapter or similar ordinances or portions thereof in other jurisdictions. (Ord. 616 § 2(A) Exhibit A (part), 2005; Ord. 390 § 2 (Exhibit A(part)), 1991; Ord. 199 § 10, 1977)

#### **8.12.170 Interpretation.**

This chapter shall be liberally construed to effect the purpose of the ordinance codified in this chapter and to achieve uniform interpretation and application of the respective ordinances. (Ord. 616 § 2(A) Exhibit A (part), 2005; Ord. 390 § 2 (Exhibit A(part)), 1991; Ord. 199 § 12, 1977)

**8.12.180 Enforcement—Authority.**

The sheriff, shall be responsible for the administration and enforcement of this chapter. (Ord. 616 § 2(A) Exhibit A (part), 2005: Ord. 390 § 2 (Exhibit A(part)), 1991: Ord. 199 § 13(A), 1977)

**8.12.185 Citation.**

A county officer, as defined in the uniform citation ordinance, may issue a citation for violation of this chapter and the rules and regulations adopted pursuant thereto. Citations shall conform to the requirements of the uniform citation ordinance, Chapter 1.08 of this code. (Ord. 616 § 2(A) Exhibit A (part), 2005: Ord. 491 § 2(B) Exhibit D (part), 1997)

**8.12.190 Citation—Other enforcement procedures not excluded.**

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. 616 § 2(A) Exhibit A (part), 2005: Ord. 491 § 2(B) Exhibit D (part), 1997: Ord. 390 § 2 (Exhibit A(part)), 1991: Ord. 199 § 13 (C), 1977)

**8.12.200 Violation—Penalty.**

Any person who is convicted of violation of this chapter shall be punished by a fine of not less than one hundred dollars and not more than five hundred dollars, except that any person who is in violation of Section 8.12.128 of this chapter shall be punished by a fine of not more than one thousand dollars. (Ord. 616 § 2(A) Exhibit A (part), 2005: Ord. 390 § 2 (Exhibit A(part)), 1991: Ord. 199 § 13(B), 1977)