

TIGARD MUNICIPAL CODE

Chapter 11.08 ~~BURGLARY AND ROBBERY~~
ALARM SYSTEMS.

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- 11.08.000 Title.
This ordinance shall be known as the
"alarm ordinance " for the City of Tigard.

- 11.08.010 Purpose.
4. The purpose of this chapter is to
protect the emergency services of the City from
misuse encourage alarm users and alarm businesses to
assume increased responsibility for maintaining the
mechanical reliability and the proper use of alarm

systems to prevent unnecessary police emergency responses to false alarms and thereby protect the emergency response capability of the city from misuse.

~~2. This chapter governs burglary and robbery alarm systems, requires permits, establishes fees, provides for revocation of permits, and provides for punishment of violations. (Ord. 82-32 §2, 1982).~~

11.08.020 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 in or on any building, structure, 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 businesses include any person, business, or organization that monitors alarm systems and initiates alarm dispatch requests.

2. "Alarm dispatch" means the initiation of a communication to dispatch, by an alarm business indicating an alarm has been activated, and requesting police response to the alarm site.

3. "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 may respond. This definition does not include car, medical or fire alarms.

4. "Alarm user" means ~~the~~ a person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility within the City of Tigard in which an alarm system is ~~maintained~~used.

5. "Automatic dialing device" means a device ~~which is~~ connected to a telephone line or internet connection ~~and is~~ programmed to select a predetermined telephone number or internet location (URL address) and transmit by voice message or code signal an emergency message 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, inclusive of silent and audible alarm systems.~~

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6. "Chief" means the City of Tigard Chief of Police, or designee.

7. "City" means the City of Tigard.

8. "Coordinator" means the individual designated by the ~~chief of Police~~ to ~~issue alarm permits~~ manage and enforce the provisions of this chapter.

9. "Current alarm permit" means an alarm permit that is not expired or revoked, and does not have any outstanding fees, fines or penalties.

10. "Dispatch center" ~~means the is the County~~ facility used to receive emergency and general information from the public.

11. "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 entry: 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.

~~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.~~

9. ~~"Governmental political unit" means any tax-supported public agency.~~

12. "Interconnect" means to connect an alarm system including an automatic dialing device, to a telephone line or computer network connection either directly or through a mechanical device that utilizes a telephone or computer for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

13. "Monitoring center" means a facility used to receive emergency and general information from an

alarm user and to direct an emergency response.

14. "Primary trunk line" means a telephone line serving the police dispatch center that is designated to receive emergency police calls.

15. "Permit" means an alarm permit, issued by the City of Tigard.

16. "Permit renewal" means applying for a new permit to replace an expired permit, where the alarm system is designed and used for substantially the same building, facility, or structure.

12. ~~"Robbery alarm system" means an alarm system signaling a robbery or attempted robbery. (Ord. 03-12, Ord. 87-73 §2, 1987; Ord. 82-32 §3, 1982).~~

11.08.030 Alarm ~~User~~ Permits-Required.

Every alarm user shall obtain an alarm ~~user~~ permit for ~~each system from the Alarm Coordinator~~ their 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. ~~Users of systems having both robbery and burglary alarm capabilities shall obtain separate permits for each function. Application for a burglary, robbery, or combination burglary-robbery alarm user's permit and a fee shall be filed with the Alarm Coordinator each year. The fee shall be set by resolution of the City Council. An application for a permit shall be filed annually with the coordinator's office, required by the chief. Each permit shall bear the signature of the chief and shall be valid for a one-year period. The fees and fines of alarm permits are included in the City of Tigard Fees and Charges Schedule.~~

The permit shall be ~~kept~~ physically placed upon the premises using the alarm system, near the main entrance to be visible to responding police officers, and shall be available for inspection by the Chief of Police or his representative. (Ord. 03-12, Ord. 02-05, Ord. 01-21, Ord. 82-32 §4(a), 1982). A separate alarm permit is required for each alarm site.

11.08.040 Emergency Notification

The alarm registration shall be in a form prescribed by the chief, and shall include the name, address and telephone number(s) of individual(s) authorized by the alarm user to act on their behalf in case of emergencies, alarms and false alarms.

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~~11.08.050 Fee For Failure To Obtain Or Renew Permit. Protective Sweep~~

~~A fee will be charged in addition to the fee provided in Section 11.08.030 to a user who fails to obtain a permit within sixty days after the effective date of the ordinance codified in this chapter or who is more than sixty days delinquent in renewing a permit. The fee shall be set by resolution of the City Council. (Ord. 02-05, Ord.82-32 §4 (d),1982).~~

~~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 signs of forcible entry, and no responsible person is immediately available to give or refuse consent to enter.~~

~~The alarm coordinator shall notify dispatch of all properties where the owner does not grant consent under this section, and shall request that dispatch flag the property to notify responding officers of the lack of consent.~~

~~11.08.060 Exemption For Governmental Political Unit. Nuisance Alarms~~

~~An alarm user which is a governmental political unit shall be subject to this chapter but a permit shall be issued without payment of the fee and shall not be subject to revocation or payment of additional fees or the imposition of any penalty provided herein. (Ord. 82-32 §4(f), 1982).~~

~~Notwithstanding any other provision of law, a police 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 police officers are hereby authorized to immediately abate such nuisances by disabling the alarm.~~

~~The police officer must use the least destructive method available to disable the alarm, and shall provide notice to the homeowner of the time and reason the alarm was disabled. The notice may be posted upon the main entrance of the residence or business.~~

~~If the police officer forced entry into a building or residence to disable an alarm, prior to leaving, the police officer will take responsible 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.~~

~~11.08.070 Emergency Notification Resources Person. Delinquent Application~~

~~The alarm permittee shall provide the police department with a current updated emergency notification resources person at all times. (Ord. 82-32 §4(g), 1982)~~

~~A late charge will be added to the permit fee of an alarm user who fails to obtain a permit within 60 days or by an alarm user who fails to renew a permit within 60 days after a permit has expired.~~

~~11.08.080 User Instructions. Governmental Unit~~

~~1. 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.~~

~~2. Standard form instructions shall be submitted by every alarm business to the Chief of Police within sixty days after the effective date of the ordinance codified in this chapter. 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 11.08.100.1 of this section and then to distribute the revised instructions to its alarm users. (Ord.82-32 §5, 1982).~~

~~A governmental unit alarm user shall be subject to this chapter; but a permit shall be issued without a fee and shall not be subject to revocation, additional fees, fines or penalties.~~

~~11.08.090 Automatic Dialing Device—Certain Interconnections Prohibited. User Instructions Required.~~

~~1. It is unlawful for any person to program an automatic dialing device to select a primary trunk line or any 911 prefix requiring a police response; 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 hours of receipt of written notice from the Tigard City Police Department that it is so programmed.~~

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~~2.— Within sixty days after the effective date of the ordinance codified in this chapter, all existing automatic dialing devices programmed to select a primary trunk line shall be reprogrammed or disconnected.~~

~~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 hours of receipt of written notice from the Tigard police department that an automatic dialing device is so programmed. (Ord. 82-32 §6, 1982).~~

Any alarm business selling, leasing, or furnishing an alarm system installed in the City of Tigard shall provide the alarm user with operating instructions for the alarm system, shall notify the alarm user of the alarm permit requirement, and provide an alarm permit application and a fee schedule.

The alarm business shall maintain records demonstrating compliance with this section, and provide documentation to the chief's office upon request. Calls for emergency response to alarm event by an alarm business must include the corresponding alarm permit number.

11.08.100 Response To Alarms. Auto Dialing Devices

~~1.— 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.~~

~~2.— 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.~~

~~3.— 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. (Ord. 87-73 §3(Exhibit A(part)), 1987).~~

It is unlawful for any person to program an automatic dialing device to select a primary trunk line

or any 9-1-1 prefix requiring police response; and it is unlawful for an alarm user to fail to disconnect or reprogram an automatic dialing device programmed to select a primary trunk line within twelve hours of receipt of written notice from the Tigard Police Department that it is so programmed.

11.08.110 Excessive False Alarms And Fee Assessment. Enhanced Call Verification

~~1.— If any alarm system produces two false alarms in any permit 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. The fees shall be set by resolution of the City Council.~~

~~2.— 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 non false alarms. The grace period shall cease thirty days after installation of or modification to an alarm system.~~

~~3.— Upon any alarm system producing the third false alarm in a permit year, a fee per false alarm shall be charged to the alarm user. Subsequent false alarms shall be assessed an increasing fee that shall be set by resolution of the City Council.~~

~~All fees assessed must be paid to the City Finance Division or a written appeal must be submitted to the Chief of Police within ten working days of fee assessment. (Ord. 03-12, Ord. 02-05, Ord. 01-21, Ord. 87-73 §3(Exhibit A(part)), 1987).~~

All alarm businesses monitoring alarm systems in the City of Tigard, will attempt a verification call to the alarmed premise and if no responsible party is located on the initial verification call, a second verification call will be made prior to the alarm business requesting a police alarm dispatch request.

11.08.120 No Response To Excessive Alarms Equipment Standard

~~1.— After the second false alarm the coordinator shall send a notification to the alarm user by regular mail which will contain the following information:~~

- ~~a.— That the second false alarm has occurred~~
- ~~b.— That if two more false alarms occur within the permit year police officers will not respond to any subsequent alarms without the reinstatement of the alarm user by the Chief of Police;~~
- ~~c.— That the reinstatement of the alarm user can only be obtained by the alarm user furnishing~~

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~~written proof of efforts taken to correct the false alarms, a finding by the Chief that a reasonable effort has been made to correct the false alarms, and payment of all fines assessed by the City for false alarms;~~

~~d. That the alarm user may appeal the validity of a false alarm determination to the Chief of Police by giving written notice and posting a bond equal to the amount of the fee, if applicable, within ten days, according to Section 11.08.125.~~

~~2. After the fourth false alarm within the permit year there will be no police response to subsequent alarms without reinstatement approval of the alarm user by the Chief. The coordinator shall send a notice of suspension of police response to:~~

- ~~a. The dispatch center;~~
- ~~b. The Chief of Police; and~~
- ~~c. The alarm user by certified mail.~~

~~3. The suspension of police response to an alarm shall begin ten days after the date of delivery of the notice of suspension of police response to the alarm user unless a written request for hearing has been made as required in Section 11.08.125. (Ord. 01-21, Ord. 93-13 §1, 1993).~~

Alarm businesses installing alarm systems in the City of Tigard shall use alarm control panels that meet SIA Control Panel Standard CP-01. Alarm businesses will maintain records demonstrating compliance with this section, and provide documentation to the chief's office upon request.

11.08.130 Appeal Of False Alarm- Government Immunity.

~~1. Any alarm user who has been notified of a false alarm or assessed a false alarm fee may appeal to the Chief of Police by giving written notice and posting a bond equal to the amount of the fee, if applicable, within three working days of the invoice assessing such fee. Upon receipt of the appeal notice and bond, if applicable, a time certain shall be set for a hearing.~~

~~2. The appellant shall be given reasonable notice of such hearing, failure of the appellant to appear at such hearing shall, if applicable, result in forfeiture of the appeal bond, and application of said bond toward the false alarm fee assessed by the City.~~

~~3. The Chief of Police or his designee shall serve as Hearings Officer. The burden of proof shall be upon the appellant to show by a preponderance of the evidence that the alarm signal in question was not a false alarm as defined in Section 11.08.020.8.~~

~~4. After receipt of all relevant evidence, the Hearings Officer shall, within three working 08-5 Code Update: 01/04 days, render a decision. If the Hearings Officer determines that the appellant has met the burden of proof, then the Hearings Officer shall order the appeal bond released to the appellant and rescind the false alarm determination. If the Hearings Officer determines that the appellant has not met the burden of proof, then the Hearings Officer shall order the appeal bond be forfeited and applied toward the alarm fee as assessed by the City and enter such alarm as a false alarm.~~

~~5. All decisions made pursuant to this section are final. (Ord. 87-73 §3(Exhibit A(part)), 1987).~~

Alarm registration does not create a contract, duty, or obligation, either expressed or implied, of response to an alarm. 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.

The alarm user acknowledges that law enforcement response may be influenced by factors such as availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, and prior response history.

11.08.140 Confidentiality—Statistics- False Alarm Fees.

~~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 pursuant to state statute; and any violation of confidentiality shall be deemed a violation of this chapter. The police department shall be charged with the sole responsibility for the maintenance of all records of any kind whatsoever under this chapter. (Ord. 01-21, Ord. 82-32 §8, 1982).~~

An alarm user incurring a false alarm shall be subject to a fee established by the chief. The user shall be notified by mail of a false alarm occurrence and payment shall be made to the alarm coordinator within thirty days of receipt of the notice.

At the chief's discretion, the coordinator shall notify the alarm user of excessive false alarms and direct the user to submit a report within ten days of the notice describing actions to be taken to eliminate the cause of false alarms. Failure to submit a report as directed shall be grounds for revocation of the alarm permit.

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11.08.150 ~~Allocation Of Revenues. Penalties~~

~~Alarm users incurring three or more false alarm within a permit year shall be subject to a fine. The user will be notified by mail of the fine, and payment shall be made to the alarm coordinator within thirty days of receipt of the notice.~~

~~Additional penalties will be charged to a user that is more than sixty days delinquent in paying false alarm fees, fines or penalties. At the chief's discretion, the alarm coordinator shall notify the alarm user of excessive false alarms and direct the user to submit a report within ten days of receipt to the notice describing the actions to be taken to eliminate the cause of the false alarms.~~

~~Failure to pay a renewal fee, false alarm fee, or fine within ninety days shall result in revocation of the alarm permit until all fees are paid. The alarm user shall be notified by mail 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 notice to make payment arrangements with the chief's office. If fees remain unpaid and no payment arrangement is made at the expiration of fourteen days after the date of the revocation notice, the chief's office shall notify dispatch of the revocation and shall request that dispatch flag the property for non-response on any additional alarms generated at the property until the permit is reinstated.~~

~~If more than six false alarms are generated within a twelve-month period, the alarm 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 false alarm fines. The alarm user shall be notified by mail of the revocation and the fact that no further police response will be forthcoming for alarms generated at the property. The alarm user will have fourteen days from the date of the revocation notice to petition the chief's office for reconsideration. Requests to reconsider a revocation under this section will be considered if all fees, fines and penalties are current and a written plan to resolve false alarms is submitted.~~

~~If no petition for reconsideration is made or if the chief denies the petition, the chief's office shall notify the alarm user and dispatch of the revocation. The property will be flagged for nonresponse on any additional alarms generated at the property, until the alarm permit is reinstated. Any alarm user who has had their alarm permit revoked shall pay a~~

~~reinstatement fee. No alarm permit may be reinstated until all outstanding fees, fines or penalties are paid in full.~~

11.08.160 ~~Enforcement And Penalties. Alarm Permit Revoked~~

~~1. Violation of this chapter shall be punished upon conviction by a fine of not more than five hundred dollars.~~

~~2. 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 11.08.150.1 of this section. (Ord. 82-32 §10, 1982).~~

~~It is unlawful to generate additional false alarms on a permit that 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, constitutes a violation of this Code and is punishable by a fine.~~

11.08.170 Confidentiality.

~~All information supplied on an alarm permit application is recognized as personally confidential and will be withheld from disclosure under public records law to the extent allowable under the law.~~

11.08.180 Interpretation.

~~This chapter shall be liberally construed to affect the purpose of the ordinance codified and to achieve uniform interpretation and application of the respective ordinances.~~

11.08.190 Senior Citizen Exemption.

~~If a residential alarm user is over the age of sixty, or physically handicapped, and is the primary resident of the residence and no business is conducted in the residence, a permit may be obtained without the payment of a fee.~~

11.08.200 Allocation of Revenues.

~~All penalties collected pursuant to this chapter shall be deposited to the city general fund.~~