



CITY OF BEAVERTON

CITY ORDINANCES

ORDINANCE 3647

AN ORDINANCE AMENDING THE BEAVERTON CODE BY ADDING BC 7.15.005-7.15.060, BURGLARY AND ROBBERY ALARMS, TO THE "LICENSES, PERMITS, AND BUSINESS REGULATIONS" SECTION OF THE CODE.

NUMBER OF PAGES

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CODE

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AN ORDINANCE AMENDING THE BEAVERTON CODE BY ADDING BC 7.15.005 - 7.15.060, BURGLARY AND ROBBERY ALARMS, TO THE "LICENSES, PERMITS, AND BUSINESS REGULATIONS" SECTION OF THE CODE.

WHEREAS, Beaverton Police Officers respond to every burglary and robbery alarm that comes to their attention; and

WHEREAS, false burglary and robbery alarms result in inappropriate demands on the Police Department; and

WHEREAS, the misallocation of police resources caused by false alarms adversely affects the ability of the police to perform other duties; and

WHEREAS, other jurisdictions have reduced the number of false alarms through the use of burglary and robbery alarm ordinances; now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS:

There hereby is added to Chapter Seven of the Beaverton Code new sections entitled "Burglary and Robbery Alarms" to read as follows:

"BURGLARY AND ROBBERY ALARMS

"7.15.005 Short Title. BC 7.15.005 - 7.15.060 shall be known and may be cited as the 'Burglary and Robbery Alarm Ordinance' and may also be referred to as 'this ordinance.'

"7.15.010 Purpose and Scope. The purpose of this ordinance is to protect the emergency services of the City from misuse by governing burglary and robbery alarm systems, requiring permits, establishing fees, and providing for punishment for violations. This ordinance is not intended to govern vehicle alarms.

"7.15.015 Definitions. For the purpose of this ordinance, the following mean:

"Alarm System - Any device intended to signal the occurrence of an illegal entry, or other activity that requires urgent attention, and to which police are expected to respond.

"Alarm User - A person or other entity in control of any building, structure, or facility in which an alarm system is maintained.

"Automatic Dialing Device - A device which is connected to a telephone line and is programmed to select a predetermined telephone number and transmit by recorded message or code signal a need for emergency response.

"Burglary Alarm System - An alarm system that is activated by an intruder or attempted intruder into the area protected by this system, inclusive of silent and audible alarm systems.

"False Alarm - 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 (1) an alarm signal occurring within twenty days following the installation of a new alarm system, nor (2) an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm user.

"Government Political Unit - Any tax-supported public agency.

"Interconnect - To connect an alarm system including an automatic dialing device to a telephone line for the purpose of using the telephone line to transmit a message on the activation of the alarm system.

"Robbery Alarm System - An alarm system at a business that is activated by the alarm user, or other person being protected by the alarm system, to signal a robbery or attempted robbery.

"7.15.020 Alarm System Permits Required. A permit shall be obtained from the Code Enforcement Office for the use of an alarm system. A burglary alarm system and robbery alarm system shall require separate permits. Each permit shall be valid for a period of one calendar year.

"7.15.025 Application for Permit; Confidentiality.

"A. An applicant for a permit shall submit the application to the Code Enforcement Office pursuant to BC 7.15.020. The application shall include the following information:

"1. The street address and telephone number of the location where the alarm system is to be used.

"2. The name, address, and telephone number of the alarm user.

"3. The address to which notices should be mailed.

"4. Whether the alarm is a burglary alarm or a robbery alarm; and, whether the alarm or alarms are audible, silent, or both.

"5. If the alarm is audible, whether it is designed to automatically reset after a certain number of minutes, and if so, the period of time it is designed to function before automatically resetting.

"6. If applicable, the on premise location of the alarm system central control panel.

"7. If the burglary or robbery alarm activates, whether the police will be contacted by an alarm company (state its name and 24-hour telephone number), or someone else.

"8. In the order of their priority, the name, address, and telephone number of at least three persons, including the alarm user, who can be contacted in the event of an alarm to assist the police in turning off the alarm or investigating any suspected criminal activity.

"9. If applicable, the type of business at the alarm system location.

"10. If applicable, the type of residence, such as house, condominium, apartment, or other, at the alarm system location, and the names of persons normally residing at the residence.

"11. The breed of any dog a police officer might encounter at the alarm system location while responding to an alarm, and the name the dog will respond to.

"12. The alarm user's date of birth, if over the age of 65 and requesting an exemption from the permit fee.

"B. All information provided on the application shall be held in the strictest confidence and shall be deemed a public record exempt from disclosure pursuant to state statute.

"7.15.030 Permit Fees.

"A. The fee for each permit, hereinafter referred to as the permit application fee, shall be set by resolution adopted by the Council.

"B. If an alarm user is over the age of 65 where an alarm system is in use, and if no business is conducted at the location, the permit application fee shall be waived.

"C. If an alarm user has a current alarm user permit from the County, the alarm will still be subject to this ordinance, but the date of expiration of the alarm user's permit from the County will be the date from which the city's permit application fee is determined.

"D. A delinquency charge in the amount of \$15.00 shall be assessed if an alarm user (1) fails to obtain a permit within 30 days following the installation of a new alarm system; (2) fails to obtain a permit within 30 days following written notice of the need to obtain an alarm system permit; (3) fails to renew a permit before February 1st of each year; or, (4) fails to report a change in any of the information provided on the permit form within 30 days following the change (no charge shall be assessed for reporting a change of information if the information is reported within 30

days of the date of the change and involves the same alarm user).

"7.15.035 False Alarms.

"A. Whenever an alarm system is activated and the police department responds, police personnel shall inspect the area protected by the system and shall determine whether the alarm is a false alarm.

"B. An alarm user whose alarm system has four (4) or more false alarms within a calendar year shall be subject to a fine, to be paid within two weeks following notice. The amount of the fine shall be set by resolution adopted by the Council.

"C. If eight or more false alarms occur within the same calendar year, the Chief of Police or his designee shall have the right upon each occurrence to either (1) inspect the alarm system following written notification, or (2) require an inspection of the alarm system by an alarm technician. The purpose of the inspection shall be to determine whether the alarm system, or the use thereof, is likely to cause additional false alarms. If an inspection by a technician is required, then within 15 days following the notice to the alarm user of the need for an inspection, the technician shall file a report with the City stating findings made and any corrective measures taken, planned or recommended. Any expense incurred by either the City or the alarm user in hiring a technician shall be the responsibility of the alarm user.

"D. No person shall use an alarm system found likely to cause false alarms under subsection C of this section.

"7.15.040 Right to Appeal.

"A. Any alarm user who has been notified of a false alarm, or assessed a false alarm fine may, within two weeks after being notified that an alarm was determined to be a false alarm, appeal to the Chief of Police by giving written notice to the Chief of Police and, if applicable, posting a bond equal to the amount of the fine.

"B. The alarm user shall be given reasonable notice of the hearing. Failure of the alarm user to appear at the hearing shall, if applicable, result in (1) the forfeiture of the appeal bond, and (2) application of the forfeiture toward the false alarm fine.

"C. The Chief of Police or his designee shall serve as the hearing officer. The burden of proof shall be upon the alarm user to show by a preponderance of the evidence that the alarm signal in question was not a false alarm.

"D. After receipt of all relevant evidence, the hearing officer shall render a decision within one week. If the hearing officer determines that the alarm user:

"1. Has met the burden of proof, then the hearing officer shall order the appeal bond released to the alarm user and rescind the false alarm determination; or

"2. Has not met the burden of proof, then the hearing officer shall enter the alarm as a false alarm and, if applicable, order the appeal bond forfeited and applied toward the fines assessed by the City.

"7.15.045 Governmental Political Unit. An alarm user who is a governmental political unit shall be required to obtain a permit, but shall not be required to pay the fees or fines provided herein.

"7.15.050 Alarm Termination.

"A. If a Police Officer responds to an audible alarm and the alarm system continues to transmit an audible signal for 15 minutes after (1) a responsible party or designated person has been requested to stop the alarm from sounding, or (2) no responsible party or designated person is available to respond, then the officer may disable the alarm and secure the premises.

"B. 1. Neither the City nor its employees shall be held responsible for damages resulting from (a) disabling an alarm, or (b) securing the premises, or (c) failing to disable an alarm, or (d) failing to secure the premises.

"2. Any costs incurred by the City in disabling the alarm or securing the premises shall be the responsibility of the alarm user.

"7.15.055 Automatic Dialing Device: Certain Interconnections Prohibited. It is unlawful for any person to program an automatic dialing device to select a telephone line, including a 911 prefix, that solicits a police response; and, it is unlawful for an alarm user to fail to disconnect or reprogram an automatic dialing device that is in violation of this ordinance within one week following written notification that it is so programmed.

"7.15.060 Penalties.

"A. Violation of this ordinance constitutes a Class I civil infraction and shall be processed in accordance with the procedures set forth in BC 2.10.010 - 2.10.055.

"B. Each violation of a provision of this ordinance constitutes a separate offense, and each day that violation of this ordinance is committed, or is permitted to continue, constitutes a separate offense.

"C. A finding that a person has committed a civil infraction in violation of this ordinance shall not act to relieve the person from the provisions of this ordinance."

First reading this 21st day of November, 1988.
Passed by the Council this 28th day of November, 1988.
Approved by the Mayor this 30th day of NOVEMBER, 1988.

ATTEST:

Ann L. Johnson
ANN L. JOHNSON, City Recorder

APPROVED:

Larry D. Cole
LARRY D. COLE, Mayor