

CODE

ORDINANCE NO. 4690

AN ORDINANCE AMENDING BEAVERTON CODE CHAPTER 7.15 ON ALARMS

Whereas, the Beaverton Police Department currently regulates the use of alarm systems in the City;

Whereas, there is still a high rate of false alarms generated in the City despite existing City regulations;

Whereas, having Beaverton police officers respond to false alarms are an inefficient use of limited police resources; and

Whereas, the City of Beaverton desires to reduce the number of false alarms by updating the alarm ordinance and including new regulations.

Now, therefore,

THE CITY OF BEAVERTON ORDAINS AS FOLLOWS

Section 1. Beaverton Code Chapter 7.15 is amended to read as follows:

Chapter 7.15 ALARMS

7.15.005 Short Title.

BC 7.15.005 through 7.15.075 shall be known and may be cited as the "Alarm Ordinance" and may also be referred to as "this ordinance."

7.15.010 Purpose and Scope.

The purpose of this ordinance is to encourage alarm users and alarm businesses to properly use and maintain alarm systems in order to improve the reliability of alarm systems and protect the emergency services of the City from misuse by governing alarm systems, requiring permits, establishing fees, and providing penalties for violations.

7.15.015 Definitions.

For the purpose of this ordinance, the following mean:

Alarm Business – Any business by any individual, partnership, corporation, company or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, monitoring, or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, monitored, or installed any alarm system in or on any building, structure, or facility.

Alarm Coordinator – An individual designated by the City to manage and enforce the provisions of this ordinance.

Alarm System – Any device or series of devices including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as a cellular or private radio signals, which emit or transmit a remote or local audible, visual, or electronic signal 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 – Any person who owns, leases, operates, or maintains an alarm system in or on any building, structure, or facility.

Automatic Dialing Device – A device connected to a communication line and programmed to select a predetermined phone number and transmits by voice message or code signal to a dispatch service or agency indicating an urgent need for police.

Deactivate or deactivation – Removal from any power source.

False Alarm – An alarm signal that elicits an urgent response for police, when circumstances reasonably justifying such a response do not exist at the time the alarm signal was transmitted. This includes the activation of an alarm system through mechanical or electronic failure, malfunction, improper installation or the negligence of the alarm user or alarm user's employee or agent. The term does not include an alarm signal transmitted because of violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm user.

Notice – Written notice served through the last-known electronic mailing address, or served through first-class mail of the last known mailing address of the recipient.

Person – See BC 1.01.020 ("Person")

Unsecured – A door that is unlocked or an open door or window.

Vehicle Alarm System – A silent or audible alarm system that is a part of a vehicle.

7.15.020 Alarm Permits Required; Exceptions.

A. An alarm user shall obtain an alarm permit from the City if the alarm user owns, leases, operates, or maintains an alarm system that is capable of signaling the occurrence of an illegal entry or other activity requiring urgent attention and to which police are expected to respond. The alarm permit is valid for a period of one year from the date of issuance. No person shall own, lease, operate, or maintain an alarm system in or on any building, structure, or facility without a valid alarm permit.

B. An alarm user shall provide notice to the alarm coordinator within 15 days of deactivation of an alarm system.

C. Exceptions: An alarm user need not obtain an alarm permit for:

1. The use of any alarm system installed in a vehicle, including a mobile alarm system, or
2. The use of any alarm system dedicated to signaling the occurrence of a fire.
3. Alarm systems located on real property that becomes a part of the City, if a county has issued an alarm permit regarding the alarm system and the alarm permit is valid on the date the property becomes subject to the City's jurisdiction. This exception ends on the date when the alarm permit issued by the county would have expired or otherwise would have terminated had the property not become a part of the City.

7.15.025 Application for Alarm Permit; Confidentiality.

A. A person required to obtain an alarm permit under BC 7.15.020 shall apply to the City for an alarm permit upon forms supplied by the City. The person shall provide notice to the alarm coordinator if there is a change in any of the information provided on the permit application form within 15 days following the change.

B. A person required to obtain an alarm permit shall complete the permit application forms completely and accurately. The City may require that a person provide the following information on the application form:

1. The street address and telephone number of the location where the alarm system is used.
2. The name, address, electronic mailing address, and telephone number of the applicant.
3. The address where notices regarding the alarm system are to be mailed.
4. Whether the alarm is audible, silent or both.
5. If the alarm activates, whether the police will be contacted by an alarm monitoring company or similar entity and, if so, the name and 24-hour telephone number of the monitoring company.
6. In order of priority, the name and telephone number of at least three persons, including the applicant, who can be contacted to assist the police in turning off the alarm, investigating suspected criminal activity or resolving other issues that may arise in connection with the alarm system.
7. The nature of the business conducted where the alarm system is located.
8. The type of residence (such as house, condominium, townhome, apartment or other) where the alarm system is located.
9. The names of the people normally residing at the residence where the alarm system is located.
10. The breed and name of any dog normally present where the alarm system is located, if any, and information regarding whether the dog is commonly kept inside, outside or in a kennel.
11. Whether the applicant is 65 years of age or older and is requesting an exemption from the required payment of an alarm permit fee.

C. Information submitted to the City on an alarm permit application form is considered confidential and exempt from public disclosure.

7.15.030 Alarm Permit Fees; Exemptions.

A. At the time the alarm user submits a completed application, the alarm user shall pay an alarm permit fee to the City in an amount determined by Council resolution.

B. Exemptions. 1. An individual over the age of 65 may request that the alarm permit be waived for an alarm system located in or on the individual's primary residence if (1) the individual resides in Beaverton for the majority of the calendar year, and (2) conducts no business at the individual's primary residence.

7.15.035 Delinquency Fees.

A. An alarm user is subject to a delinquency fee if the alarm user:

1. Fails to obtain a permit within 15 days following the installation of a new alarm system; or
2. Fails to obtain a permit within 15 days following written notice of the need to obtain an alarm system permit; or
3. Fails to renew a permit within 15 days following the date of expiration of the permit; or
4. Fails to report a change in any of the information provided on the permit application form within 15 days following the change. An alarm user shall not be subject to a delinquency fee if the alarm user reports a change in information provided on the permit application form within 15 days of the date of the change and it is the same alarm user.

B. Delinquency fees shall be set by Council resolution.

7.15.040 Permit Display.

An alarm user shall post the alarm permit issued by the City upon each building, structure, or facility with an associated alarm system. The alarm permit shall be posted near the main entrance of the building, structure, or facility and in a manner reasonably calculated to be visible to a responding police officer.

7.15.045 Consent to Protective Sweep of Building, Structure, or Facility.

A. An alarm user may grant the City permission to enter and perform a protective sweep of a building, structure, or facility associated with an alarm permit issued by the City.

B. If the alarm user grants permission, a responding police officer may conduct the protective sweep only if the alarm system has been activated; the building, structure, or facility is unsecured or shows signs of forcible entry; and no responsible person is immediately available to give or refuse consent to enter.

C. The City shall solicit permission for the protective sweep of the building, structure, or facility through a consent form supplied by the City. If the alarm user fills out and returns the consent form to the City, the alarm user grants permission to a responding police officer to perform a protective sweep and certifies that the alarm user has actual authority to provide consent.

D. If the alarm user does not grant permission, the alarm coordinator shall notify the Washington County Consolidated Communications Agency (WCCCA) of all buildings, structures, or facilities where the alarm user does not grant consent. The alarm coordinator shall also request that WCCCA put a flag in its database that notifies responding police officers of the alarm user's lack of consent for that alarm user's building, structure, or facility.

7.15.050 False Alarms.

A. Whenever an alarm system is activated and a police officer is dispatched, police personnel shall determine whether the alarm is a false alarm.

B. An alarm user whose alarm system sets off three or more false alarms within a calendar year is subject to a fee. The alarm user shall pay the fee within 15 days following issuance of notice to the alarm user.

C. An alarm user whose alarm system has four or more false alarms within 30 days shall not continue to operate or maintain the alarm system unless the alarm user has taken corrective measures.

1. After the alarm user has taken corrective measures, the alarm user shall inform the alarm coordinator about the corrective measures that the alarm user took within 30 days of taking the corrective measures.

2. An alarm user who continues to operate or maintain an alarm system without taking corrective measures is subject to a fee. The alarm user shall pay the fee within 15 days following issuance of notice to the alarm user.

D. False alarm fees shall be set by Council resolution.

7.15.055 Appeal Procedure for False Alarm Fees.

A. An alarm user whose system has set off a false alarm may appeal the finding to the Chief of Police or the Chief's designee in writing within 15 days following issuance of notice from the City.

B. The Chief of Police or the Chief's designee shall serve as the hearing officer. The hearing officer shall not be the alarm coordinator. The burden of proof shall be upon the alarm user to show by a preponderance of the evidence that the alarm signal was not a false alarm.

D. The hearing officer shall review all relevant evidence provided by the alarm user and shall render a decision within seven calendar days after receiving that information from the alarm user. The hearing officer shall thereafter send a copy of the decision to the alarm user and alarm coordinator. If the hearing officer determines that the alarm user:

1. Has met the burden of proof, then the hearing officer shall rescind the false alarm determination; or

2. Has not met the burden of proof, then the hearing officer may enter the alarm as a false alarm and the alarm user shall pay any applicable fee assessed by the City.

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

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

7.15.065 Automatic Dialing Device.

A. No person shall program an automatic dialing device to dial a number, including 9-1-1, that directly solicits a police response.

B. A person shall deactivate an automatic dialing device that is in violation of this section within 12 hours after receiving notice from the City to deactivate the device.

7.15.070 Alarm Business Requirements.

A. An alarm business that installs a new alarm system or new control panel on any property subject to this ordinance shall use only control panels that are approved by the American National Standards Institute (ANSI) and meet the SIA Control Panel Standard CP-01 or its equivalent. An alarm business shall provide a record demonstrating compliance with this subsection upon request by the City.

B. An alarm business that monitors alarm systems located within the city and subject to this ordinance shall, prior to making a police alarm dispatch request, do the following:

1. Attempt a verification call to the building, structure, or facility where the alarm system has been activated;
2. If no responsible party is located on the initial verification call, attempt a second verification call to a cell phone, mobile device, or other alternative contact method designated by the alarm user.

An alarm business shall provide a record demonstrating compliance with this subsection upon request by the City.

C. An alarm business selling, leasing, or furnishing to an alarm user an alarm system subject to this ordinance shall furnish the alarm user with the following:

1. Written instructional information on proper operational procedures for the alarm system;
2. Information on how to obtain service for the alarm system at any time;
3. The requirements and application to obtain an alarm permit from the City; and
4. The consequences of generating false alarms, including possible fees.

D. An alarm business shall include the corresponding Beaverton Alarm Permit Number when requesting an emergency response to an alarm event.

E. An alarm business that fails to comply with the requirements of this section is subject to a fine for each violation. The alarm business shall pay the fine within 15 days following issuance of notice from the City. The amount of the fine shall be set by Council resolution.

7.15.075 Penalties.

A. Violation of this ordinance constitutes a Class 1 Civil Infraction and shall be processed in accordance with the procedures set forth in BC 2.10.010 through 2.10.050.

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.


D. Any person found in violation of any provision of this ordinance may also be subject to fines and fees in addition to the penalties described in BC 7.15.075. Any fines or fees assessed pursuant to this ordinance are in addition to, and not in lieu of, any other civil or administrative penalty, sanction or remedy otherwise authorized by law.

First reading this 12th day of July, 2016.

Second reading and passage by this Council this 19th day of July, 2016.

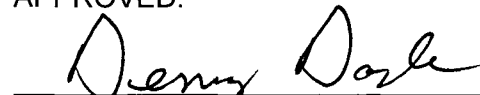
Approved by the Mayor this 20th day of July, 2016.

ATTEST:



CATHERINE L. JANSEN, City Recorder

APPROVED:



DENNY DOYLE, Mayor