

TIGARD MUNICIPAL CODE

Chapter 11.08 ALARM SYSTEMS*

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* Prior ordinance history: Ord. Nos. 03-12, 02-05, 01-21, 93-13, 87-73 and 82-32.

11.08.000 Title

This ordinance shall be known as the “alarm ordinance” for the City of Tigard. (Ord. 14-09 §1)

11.08.010 Purpose

The purpose of this chapter is to 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. (Ord. 14-09 §1)

11.08.020 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 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.

B. “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.

C. “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 to which police may respond. This definition does not include car, medical or fire alarms.

D. “Alarm user” means 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 used.

E. “Automatic dialing device” means a device connected to a telephone line or Internet connection 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.

F. “Chief” means the City of Tigard Chief of Police, or designee.

G. “City” means the City of Tigard.

H. “Coordinator” means the individual designated by the chief to issue alarm permits and enforce the provisions of this chapter.

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

J. “Dispatch center” means the facility used to receive emergency and general information from the public.

K. “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.

L. “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 to transmit a message upon the activation of the alarm system.

M. “Monitoring center” means a facility used to receive emergency and general information from an alarm user and to direct an emergency response.

N. “Primary trunk line” means a telephone line serving the police dispatch center that is designated to receive police calls.

O. “Permit” means an alarm permit, issued by the City of Tigard.

P. “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. (Ord. 14-09 §1)

11.08.030 Alarm Permit Required

Every alarm user shall obtain an alarm permit for 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.

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 fine of alarm permits are included in the City of Tigard Fees and Charges Schedule.

The permit shall be physically placed upon the premises using the alarm system, placed near the main entrance to be visible to responding police officers. A separate alarm permit is required for each alarm site. (Ord. 14-09 §1)

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. (Ord. 14-09 §1)

11.08.050 Protective Sweep

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.

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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. (Ord. 14-09 §1)

11.08.060 Nuisance Alarms

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. (Ord. 14-09 §1)

11.08.070 Delinquent Application

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. (Ord. 14-09 §1)

11.08.080 Governmental Unit

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. (Ord. 14-09 §1)

11.08.090 User Instructions Required

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. (Ord. 14-09 §1)

11.08.100 Auto Dialing Devices

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 12 hours of receipt of written notice from the Tigard Police Department that it is so programmed. (Ord. 14-09 §1)

11.08.110 Enhanced Call Verification

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. (Ord. 14-09 §1)

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11.08.120 Equipment Standard

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. (Ord. 14-09 §1)

11.08.130 Government Immunity

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. (Ord. 14-09 §1)

11.08.140 False Alarm Fees

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 30 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 10 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. (Ord. 14-09 §1)

11.08.150 Penalties

Alarm users incurring three or more false alarms 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 30 days of receipt of the notice.

Additional penalties will be charged to a user that is more than 60 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 10 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 90 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 14 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 14 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 12-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 14 days from the date of the revocation notice to petition the chief's office for reconsideration. Requests to

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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. (Ord. 14-09 §1)

11.08.160 Alarm Permit Revoked

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. (Ord. 14-09 §1)

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. (Ord. 14-09 §1)

11.08.180 Interpretation

This chapter shall be liberally construed to effect the purpose of the ordinance codified and to

achieve uniform interpretation and application of the respective ordinances. (Ord. 14-09 §1)

11.08.190 Senior Citizen Exemption

If a residential alarm user is over the age of 60, 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. (Ord. 14-09 §1)

11.08.200 Allocation of Revenues

All penalties collected pursuant to this chapter shall be deposited to the city general fund. (Ord. 14-09 §1) ■