

ORDINANCE NO. 4922

AN ORDINANCE SUPERSEDING ALBANY MUNICIPAL CODE CHAPTER 7.74, BURGLARY AND ROBBERY ALARMS, AND DECLARING AN EMERGENCY.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1. Albany Municipal Code Chapter 7.74, Burglary and Robbery Alarms, is hereby established to read as follows:

Chapter 7.74

BURGLARY AND ROBBERY ALARMS

Sections:

- 7.74.010 Policy.
- 7.74.020 Purpose.
- 7.74.030 Definitions.
- 7.74.040 Alarm system permits required.
- 7.74.050 Application for permit.
- 7.74.060 Permit fees.
- 7.74.070 Sound emission cut off feature.
- 7.74.080 False alarms.
- 7.74.090 Suspension of permits.
- 7.74.100 Right of appeal.
- 7.74.110 Confidentiality.
- 7.74.120 Enforcement and penalties.

Chapter 7.74

BURGLARY AND ROBBERY ALARMS

7.74.010 Policy. This chapter governs burglary and robbery alarms, sets requirements, establishes acceptable standards, and establishes a system for administrators.

7.74.020 Purpose. This chapter is to encourage alarm users to assume increased responsibility for maintaining the mechanical reliability and the proper use of alarm systems. The goal of the chapter is to prevent unnecessary police emergency responses to false alarms and thereby to protect the emergency response capability of the City from misuse.

In addition, this chapter will require the issuance of a permit for any burglary and/or robbery alarm and will thereby provide emergency responders with up to date information concerning the use of the premises and responsible parties.

7.74.030 Definitions. (1) For the purpose of this chapter, the following mean:

(a) Administrator. A person designated by the Chief of Police to exercise any powers or duties provided by this chapter.

(b) Alarm User. A person or other entity in control of any building, structure, or facility in which a burglary alarm or robbery alarm is maintained.

(c) Alarm System. A burglary or robbery alarm as defined herein.

(d) Burglary Alarm. An alarm system designed to signal an entry or

attempted entry into a protected area requiring urgent attention to which police are requested to respond.

(e) Robbery Alarm. An alarm system designed to signal a robbery or attempted robbery requiring urgent attention to which police are requested to respond.

(f) False Alarm. Any burglary or robbery alarm requesting a response by police personnel when a situation requiring such response does not in fact exist. It does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm user.

(g) Government Political Unit. Any tax-supported public agency, including the federal government or any government agency as defined in ORS 165.075.

7.74.040 Alarm System Permits Required. A permit shall be obtained from the City of Albany for the use of a burglary or robbery alarm system within thirty (30) days of the effective date of this ordinance and thereafter within (30) days of the time any newly installed system becomes operative, or after the expiration of a prior permit. Each permit shall be valid for a period of one (1) year. No person shall use or permit the use of an alarm system on any premises owned, occupied, or controlled by such person, without a valid alarm system permit.

Alarm permits are issued on a calendar year basis and expire on December 31. New permits for systems installed after August 1 of each year will be valid until December 31 of the following year.

7.74.050 Application for Permit. An applicant for a permit shall submit the application to the Albany Police Department. 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) In the order of their priority, the name, address and telephone number of at least three (3) 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.

(7) If applicable, the type of business at the alarm system location.

(8) If applicable, the type of residence such as house, condominium, apartment, or other, at the alarm system location.

(9) The alarm user's date of birth, if over the age of 62 and requesting an exemption from the permit fee.

7.74.060 Permit Fees. (1) The fee for alarm system permits shall be \$10.00 per calendar year.

(2) If an alarm user is over the age of 62 where an alarm system is in use, and no business is conducted at the location, the permit application fee is not required. All other charges for false alarms or delinquency will apply.

(3) An alarm user who is a governmental political unit shall be required to obtain a permit, but shall not be required to pay fees. All other charges for false alarms or delinquency will apply.

(4) A delinquency charge of \$15.00 shall be assessed if an alarm user:

(a) Fails to obtain a permit within the time periods set forth above.

(b) Fails to renew a permit before February 1st of each year.

(c) Fails to report a change in any of the provided information on the permit form within thirty (30) days following the change (no charge shall be assessed for reporting a change of information if the information is reported within thirty (30) days of the date of change and involves the same alarm user).

(5) If a suspended permit is reinstated during the term of its issue, a processing fee of \$7.50 shall be charged for reinstatement.

7.74.070 Sound Emission Cut Off Feature. Alarm systems which emit audible sound which can be heard outside the building, structure or facility of the alarm user, shall be equipped with a sound emission cut off feature which will stop the emission of sound 15 minutes or less after the alarm is activated.

7.74.080 False Alarms. Alarm permit fee surcharges will be assessed to the alarm user by the administrator for excessive false alarms during the permit year as follows:

3rd False Alarm	\$ 50.00 (EACH)
4th thru 9th False Alarm	75.00 (EACH)
10th and additional False Alarm	100.00 (EACH)

The administrator will notify the alarm user of the false alarm, by mail. The mail will be directed to the address of the alarm user which is set forth in the permit application, or in any written notice received by the administrator subsequent to the permit application which sets forth a new address. Failure to receive such notice will not be a defense to the imposition of the surcharge. The notification will include information for the user as to how many false alarms have been recorded during the permit year and the consequences of not complying with this chapter. In the event the false alarm meets the criteria for one of the required surcharges, the notification will also inform the alarm user of his/her right to appeal the validity of the false alarm and the procedures for such appeal. In addition to any and all other penalties provided for in this chapter, failure to pay the assessed surcharge shall result in suspension of the alarm user's permit.

7.74.090 Suspension of Permits. (1) The administrator may suspend any permit issued pursuant to this chapter upon any of the following grounds:

(a) Any false or incomplete statement made on the permit application.

(b) Any violation of AMC 7.74.040 to 7.74.080.

(c) Maintenance, installation or use of the alarm system in violation of any applicable law, ordinance or regulation, including the requirements of this chapter.

(d) The occurrence of a false alarm which, added together with all other false alarms resulting from that system totals more than five (5) false alarms during the permit period.

(2) A suspension for violation of (1)(a), (b), and (c) of this section shall remain in effect until the applicant demonstrates to the satisfaction of the administrator that the grounds for suspension no longer exist. A suspension for violation of (1)(d) of this section shall remain in effect for a period not to exceed 180 days, and may be withdrawn by the administrator upon a satisfactory showing that the circumstances which caused or contributed to the majority of the false alarms resulting in the suspension no longer exists.

7.74.100 Right to Appeal. (1) Any alarm user who has been notified of a false alarm, or assessed a false alarm surcharge may appeal the determination that the alarm was a false alarm or the surcharge, to the Chief of Police, by giving written notice to the Chief of Police of said appeal. Such notice must be received by the Chief of Police within thirty (30) days of the date of mailing of the false alarm notice. Failure to contest the administrator's determination within the time period set forth above results in a conclusive presumption for all purposes that the alarm was false.

(2) If a hearing is requested, written notice of the time and place of the hearing shall be mailed to the user by certified mail at least ten (10) days prior to the date set for hearing.

(3) The hearing shall be before the Chief of Police. The alarm user shall have the right to present written and oral evidence. The Chief of Police shall issue written findings waiving, expunging, or entering a false alarm designation on the alarm user's record. If false alarm designations are entered on the alarm user's record and surcharges are thereby due, such surcharges must be paid within thirty (30) days of notification of the decision on appeal and any failure to pay the surcharge shall result in suspension of the alarm user's permit as set forth above.

(4) The Chief of Police may appoint another person to be a hearings officer to hear the appeals and to render judgment.

(5) The decision rendered shall be final.

7.74.110 Confidentiality. 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.

7.74.120 Enforcement and Penalties. (1) Violation of any provision of this chapter shall be punishable subject to the penalties set forth in AMC 1.04.010.

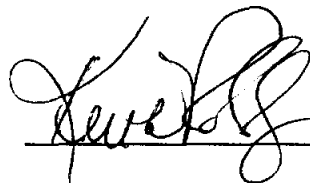
(2) The remedies contained herein are cumulative and in addition to any and all other enforcement remedies available at law.

Section 2. Emergency Clause. Inasmuch as this ordinance is necessary for the immediate preservation of the peace, health, and safety of the citizens of the city of Albany, Oregon, an emergency is hereby declared to exist; and this ordinance shall be in full force and effect immediately upon its passage by the Council.

Passed by Council: August 22, 1990

Approved by Mayor: August 23, 1990

Effective Date: August 22, 1990



Mayor

ATTEST:



City Recorder