

ORDINANCE NUMBER 1421

AN ORDINANCE AMENDING ORDINANCE NO. 1347 RELATING TO ALARM SYSTEMS AND ALL OTHER MATTERS PERTAINING THERETO.

THE CITY OF MILWAUKIE DOES ORDAIN AS FOLLOWS:

Section 1. Section 3 of Ordinance Number 1347 is amended by adding a new subsection (b) and relettering the remainder of the subsections:

"(b) "ALARM CENTER" means any location, other than the communications center where Alarms are received from SITES within the City of Milwaukie, and from which the Milwaukie Police is requested to respond."

Section 2. That Section 3 of Ordinance No. 1347 be further amended by changing subsection (h) to (i) and adding thereto as follows:

"~~(h)~~ (i) "False Alarm: means an alarm signal or request eliciting a response by police when a situation requiring a response by the police does not in fact exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user."

Section 3. That Section 4 of Ordinance No. 1347 be amended by deleting subsections (i) (ii) (iii) and (iv) of subsection (e) and adding the following to subsection (e):

~~"(i) -- A permit shall be designated a special alarm user's permit;~~

~~(ii) -- A special alarm user's permit for a system which has five (5) or more false alarms in a permit year shall not be subject to revocation under Section 7, but the holder of the permit shall pay a fee of \$100 with the submission of the report required by Section 7(b)(i);~~

~~(iii) For each false alarm over five (5) in a permit year, upon written demand therefor by the Chief of Police the holder of a special user's permit shall pay a fee of \$25;~~

~~(iv) The payment of any fee provided for in paragraphs (ii) and (iii) of this subsection shall not be deemed to extend the term of the permit."~~

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"(e) An alarm user required by federal, state, county or municipal statute, regulation, rule or ordinance to install, maintain and operate an alarm system shall be subject to this ordinance and may be issued a special alarm user's permit."

Section 4. Subsection (f) of Section 4 is amended by deleting the following:

"(f) An alarm user which is a governmental political unit shall be subject to this ordinance; but a permit shall be issued without payment of a fee. ~~and shall not be subject to revocation; payment of additional fees or the imposition of any penalty provided herein.~~"

Section 5. Section 7 (a) and (b) is amended by adding and deleting as follows:

"(a) Any alarm system which has ~~five-(5)~~ ten (10) or more false alarms within a permit year shall be subject to permit revocation as provided herein.

(b) If the Communication Center records ~~five-(5)~~ ten (10) or more false alarms within a permit year for any alarm system ..."

Section 6. Section 7 subsections (b) (v) and (vii) are amended by adding and deleting as follows:

"(v) The hearing shall be before the Milwaukie City Council, and the Chief of Police and the alarm user shall have the right to present written and oral evidence, subject to the right of cross-examination. If the Council determines that ~~five-(5)~~ ten (10) or more false alarms have occurred in a permit year, and that the user has not taken actions which will prevent the occurrence of false alarms, the Council shall issue written findings to that effect and may issue an order revoking the user's permit.

(vii) An alarm user whose permit has been revoked may apply for a revoked user's permit as provided in Section 4(b). The Chief of Police shall not be required to issue a revoked user's permit, unless he is satisfied that the user's system has been properly serviced and its deficiencies corrected. The Chief of Police may impose reasonable restrictions and conditions upon the user, before issuing a revoked user's permit, which restrictions and conditions shall be written on the permit and shall provide for summary revocation on the occurrence of ~~five-(5)~~ ten (10) false alarms in the permit year."

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Section 7. Amending Ordinance No. 1347 by adding a new section 8 and renumbering the previous section 8 to section 9, and the following sections accordingly:

"Section 8. FALSE ALARM: FEE

(a) Special Alarm User Permit
(As defined in section 4 (e)(i))

(i) Special Alarm Permits shall not
be subject to revocation due to
false alarms.

(ii) For each false alarm over five (5) in
a permit year, upon written demand
therefor by the Chief of Police, the
holder of a special user's permit shall
pay a fee of \$25.00.

(b) Governmental Political Unit
(As defined in section 4(f))

(i) Shall not be subject to revocation
due to false alarms.

(ii) For each false alarm over five (5) in
a permit year, for each location, and
upon written demand therefor by the
Chief of Police, the holder of the
alarm user's permit shall pay a fee of
\$25.00.

(c) All Other Alarm Permits

(i) For each false alarm over five (5) in
a permit year, for each location, and upon
written demand by the Chief of Police, the
holder of the alarm user's permit shall
pay a fee of \$25.00.

(d) The payment of any fee provided for in section 8
shall not be deemed to extend the term of the
permit.

(e) Non-Permit User's False Alarms

(i) Alarm requests from alarm centers, as defined
in section 3(b), shall be subject to false
alarm fees.

(ii) For each false alarm request over five (5) in
a calendar year, for each location, and upon
written demand therefor by the Chief of Police,
the resident, tenant, or owner shall pay a fee
of \$25.00."

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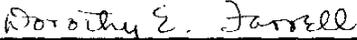
Read the first time this 22nd day of February, 1979, and moved to second reading by unanimous vote of the City Council.

Read the second time and adopted by the City Council this 22nd day of February, 1979.

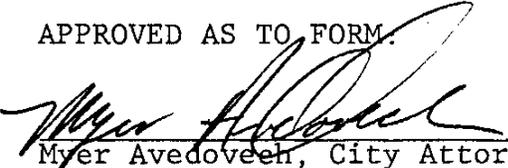
Signed by the Mayor this 22nd day of February, 1979.


Allen Manuel, Mayor

ATTEST:


Dorothy E. Farrell, Recorder

APPROVED AS TO FORM:


Myer Avedovech, City Attorney