

COUNCIL ORDINANCE No. 2172

AN ORDINANCE OF THE CITY OF MILWAUKIE, OREGON, AMENDING MILWAUKIE MUNICIPAL CODE (MMC) CHAPTER 8.16 SECURITY ALARM SYSTEMS.

WHEREAS, the City requires residents to have alarm permits on file when they have a security alarm system; and

WHEREAS, the police department responds to emergency calls triggered by alarm system calls; and

WHEREAS, to encourage more efficient use of emergency response assets it has been determined that an excessive number of false alarm calls generated in a year will result in the revocation of an alarm system permit.

Now, Therefore, the City of Milwaukie does ordain:

Section 1. MMC Chapter 8.16. Security Alarm Systems, is hereby updated to read as:

8.16.010 DEFINITIONS

As used in this chapter:

“Alarm systems” means any assembly of equipment, mechanical or electrical, 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” means the person, firm, partnership, association, corporation, company, or organization of any kind in control of any building, structure, or facility wherein an alarm system is maintained.

“Automatic dialing device” means a device that is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

“Burglary alarm” means an alarm system signaling an entry or attempted entry into the area protected by the system.

“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.

“Police Chief” means Director of Police Services for the City or designated representative.

“Robbery alarm” means an alarm system signaling robbery or attempted robbery.

8.16.020 PERMIT REQUIRED

A. Every alarm user shall obtain a permit for an alarm system from the Police Department prior to use of an alarm system. Application for a permit shall be filed with the Department each year. Each permit shall bear the signature of the Police Chief and be for a one year

period. The permit shall be physically maintained upon the premises using the alarm system and shall be available for inspection by the Police Chief.

B. Each permit application shall be accompanied by a fee established by the City Council. A surcharge may be added to the fee if an application is more than thirty days delinquent.

8.16.030 AUTOMATIC DIALING DEVICES RESTRICTED

It is unlawful for any person to program an automatic dialing device to select any telephone line assigned to the City; and it is unlawful for an alarm user to fail to disconnect or reprogram such device within twelve hours of receipt of written notice from the Police Department that an automatic dialing device is so programmed.

8.16.040 FALSE ALARMS

A. For each false alarm over one in a permit year, the holder of a permit shall pay a fee as established by the City Council.

B. Except for an alarm system required by law, a permit may be revoked for any system which has five or more false alarms within a permit year. Before revoking any permit, the Police Chief will give ten days' written notice to the alarm user to allow for system corrections.

8.16.050 REVOCATION PROCEDURE

A. The alarm user shall submit a written report to the Police Chief regarding the action taken to correct the problem. If the Police Chief finds the report and subsequent repair satisfactory, the permit will not be revoked.

B. If no report is submitted, or if the Chief finds that the action taken will not prevent further false alarms, the Chief will give written notice that the permit will be revoked on the tenth day after the date of the notice. The alarm user has ten days to request an appeal of the Police Chief's decision to the City Manager. The appeal may be submitted to the City Recorder.

C. If an appeal is submitted, the City Manager will meet with the requestor as soon as feasible.

D. Revocations or conditions shall be effective five days after the date of written notice from the City.

E. It shall be a violation for the alarm user to use the alarm system in violation of the conditions or revocation.

F. An alarm user may apply for a new permit following a permit revocation. The Police Chief may approve the new permit if the system has been properly serviced and any deficiencies corrected. The Police Chief may impose reasonable conditions on the new permit to prevent future false alarms.

8.16.060 VIOLATION – PENALTY

A. Violations of this chapter shall be punishable upon conviction by a fine not to exceed five hundred dollars for each day the violation is allowed to continue.

B. In addition to any other penalties, a user who is in violation of any provision of this chapter may be subject to permit revocation according to the procedure in Section 8.16.050.

Section 2. Severability.

If any provision of this ordinance or its application to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. The City Council declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion and intends that the invalid portions should be severed, and the balance of the ordinance be enforced.

Section 3. Effective Date and Publication

This Ordinance shall take effect and be enforced thirty days after its adoption.

Read the first time on _____, and moved to second reading by _____ vote of the City Council.

Read the second time and adopted by the City Council on _____.

Signed by the Mayor on _____.



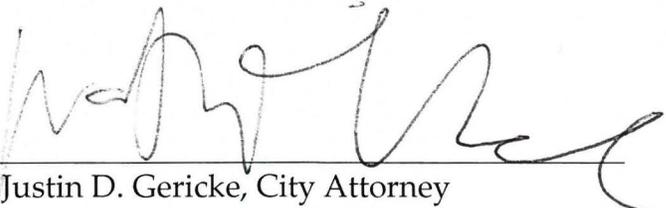
Mark F. Gamba, Mayor

ATTEST:

APPROVED AS TO FORM:



Scott S. Stauffer, City Recorder



Justin D. Gericke, City Attorney