

Chapter 14B.10 BURGLARY AND ALARM SYSTEMS

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14B.10.010 Purpose and Scope.

- A. 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 response to false alarms, and thereby to protect the emergency response capability of the City from misuse.
- B. This chapter governs burglary and, robbery alarm systems, requires permits, establishes fees, provides for fines for excessive false alarms, provides for discontinuation of police response to alarms, provides for punishment of violations and establishes a system of administration.

14B.10.020 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 or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.

- B. "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 and to which police are expected to respond.
- C. "Alarm User" means the person, firm, partnership, association, corporation, company or organization of any kind which owns, controls or occupies any building, structure or facility wherein an alarm system is maintained.
- D. "Automatic Dialing Device" means a device which 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. Such a device is an alarm system.
- E. "Bureau of Emergency Communications" is the City/County facility used to receive emergency and general information from the public to be dispatched to the respective police departments utilizing the Bureau.
- F. "Burglary Alarm System" means an alarm system signaling an entry or attempted entry into the area protected by the system.
- G. "Sheriff" means Sheriff of Multnomah County or his designated representative.
- H. "Coordinator" means the individual designated by the Chief of Police to issue permits and enforce the provisions of this chapter.
- I. "False Alarm" means an alarm signal, eliciting a response by police when a situation requiring a response by 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.
- J. "Interconnect" means to connect an alarm system including an automatic dialing device to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.
- K. "Primary Trunk Line" means a telephone line serving the Bureau of Emergency Communications that is designated to receive emergency calls.
- L. "Robbery Alarm System" means an alarm system signaling a robbery or attempted robbery.
- M. "No Response" means police officers will not be dispatched to investigate a report of an alarm signal.
- N. "Sound Emission Cutoff Feature" means a feature of an alarm system which will cause an audible alarm to stop emitting sound.
- O. "System Becomes Operative" means when the alarm system is capable of eliciting a response by police.

- P. "Economically Disadvantaged Person" means a person receiving public assistance and/or food stamps.

14B.10.030 Alarm User Permits Required.

(Amended by Ordinance No. 179767, effective November 30, 2005.)

- A. Every alarm user shall obtain an alarm user's permit for each system from the Coordinator's Office within 30 days of the time when the system becomes operative. Users of systems with both robbery and burglary alarm capabilities shall obtain separate permits for each function. Each permit shall bear the signature of the Chief of Police and be for a 1 (one) year period immediately following issuance of the permit. The permit shall be physically upon the premises using the alarm system and shall be available for inspection by the Chief or Sheriff.
- B. A yearly fee, permit surcharge, and renewal fee shall be established by the Bureau of Police. The fees established under this Section shall not become effective until approved by the Commissioner in charge of the Bureau of Police.
- C. If a residential alarm user is over the age of 62 and/or is an economically disadvantaged person and resides where the permitted alarm is located and if no business is conducted in the residence, a user's permit may be obtained from the Coordinator's Office according to Section 14B.10.030 A. without the payment of a fee.
- D. A surcharge will be charged in addition to the fee provided in Section 14B.10.030 B to a user who fails to obtain a permit within 30 days after the system becomes operative or who is more than 30 days delinquent in renewing a permit.
- E. If an alarm user fails to renew a permit within 30 days after the permit expires, the coordinator will notify the alarm user, by mail, that, unless the permit is renewed and all fees and fines are paid within 30 days from the date of mailing of the Police response to the alarm will thereafter be suspended.
- F. Calls for emergency response to an alarm event by an alarm business must include the corresponding alarm permit number.
- G. Alarm businesses must provide monthly updates of their designated customer list information to the Portland Police Alarm Administration Unit by the 10th day of the following month.

14B.10.040 Failure to Post Person in Control Information Where Burglar Alarms and Fire Alarm Sprinkler Systems Exist.

It is unlawful for a person having control of premises where a burglar alarm or fire alarm sprinkler system exists to fail to have conspicuously posted, where it may be plainly seen by persons outside the premises, the name, address, and telephone number of a person who possesses a key and has access to the premises.

14B.10.050 Fines for Excessive False Alarms.

(Amended by Ordinance Nos. 179726 and 179767, effective November 30, 2005.)

- A. Fines will be assessed by the Coordinator for excessive false alarms during a permit year as follows:
- Second False Alarm \$50 each
- Third False Alarm \$100 each
- Fourth and any additional False Alarms \$150 each
- B. The Coordinator will send a Notification of Alarm by regular mail to notify the alarm user and the alarm business of a false alarm and the fine and the consequences of the failure to pay the fine. The Coordinator will also inform the alarm users of their right to appeal the validity of the false alarm to the Chief of Police, as provided in Section 14B.10.100.
- If the fine has not been received in the Coordinator's Office within 30 days of the day notice of fine was mailed by the Coordinator and there is no appeal pending on the validity of the false alarm, the Coordinator will send the Notice of fine by mail along with a notice of late fee of \$25. If payment is not received within 10 days of the day the Notice of late fee was mailed, the Coordinator will initiate the no response process according to Section 14B.10.060 and may initiate the enforcement of penalties according to Section 14B.10.130.
- C. The payment of any fine shall not be deemed to extend the term of the permit.
- D. The fine assessed by the Coordinator to the Alarm User for failure to apply for an alarm permit will be \$100 per incident.
- E. The fine assessed by the Coordinator to an Alarm Business for failure to provide the alarm permit number at the time of requesting emergency service will be \$100 per incident.
- F. The fine assessed by the Coordinator to an Alarm Business for failure to provide the designated monthly updates of their customer list by the 10th day of the following month will be \$500 per month.

14B.10.060 No Response to Excessive Alarms.

- A. After the second false alarm the Coordinator shall send a notification to the alarm user by regular mail, which will contain the following information:
1. That the second false alarm has occurred;
 2. That if two more false alarms occur within the permit year police officers will not respond to any subsequent alarms without the approval of the Chief of Police;
 3. That the approval of the Chief of Police can only be obtained by applying in writing for reinstatement. The Chief of Police may reinstate the alarm user upon finding that reasonable effort has been made to correct the false alarms;
 4. That the alarm user has the right to contest the validity of a false alarm determination through a False Alarm Validity Hearing. The request for such a hearing must be in writing and filed within ten days of the receipt of the Notice of Alarm.
- B. After the fourth false alarm within the permit year there will be no police response

to subsequent alarms without approval of the Chief of Police. The Coordinator shall send a Notice of Suspension of Police Response to:

1. The Bureau of Emergency Communication; and
2. The alarm user by certified mail.

- C. The suspension of police response to an alarm shall begin ten days after the date of delivery of the Notice of Suspension of Police Response to the alarm user unless a written request for a False Alarm Validity Hearing has been made as required.

14B.10.070 Special Permits.

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 Chapter, provided:

- A. A permit shall be designated a special alarm user's permit.
- B. A special alarm user's permit for a system which has four false alarms in a permit year shall not be subject to the no response procedure specified but shall pay the regular fine schedule according to this Chapter.
- C. The payment of any fine provided for in paragraph B of this Subsection shall not be deemed to extend the term of the permit.

14B.10.080 User Instruction.

- A. Every alarm business selling, leasing or furnishing to any user an alarm system which is installed on the premises located in the area subject to this Chapter shall furnish the user with instruction that provided information to enable the user to operate the alarm system at any time. The alarm business shall also inform each alarm user of the requirement to obtain a permit and where it can be obtained.
- B. Standard form instruction shall be submitted by every alarm business to the Coordinator. If the Coordinator reasonably finds such instructions to be incomplete, unclear or inadequate, the Coordinator may require the alarm business to revise the instruction to comply with this Chapter and then to distribute the revised instruction to its alarm users.

14B.10.090 Automatic Dialing Device: Certain Interconnections Prohibited.

- A. It is unlawful for any person to program an automatic dialing device to select a primary trunk line and it is unlawful for an alarm user to fail to disconnect or reprogram an automatic dialing device which is programmed to select a primary trunk line within 12 hours of receipt of written notice from the Coordinator that it is so programmed.
- B. 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 12 hours of receipt of written notice from the Coordinator that an automatic dialing is so programmed

14B.10.100 Hearing.

- A. An alarm user who wants to appeal validity of a false alarm determination by the Coordinator may appeal to the Chief of Police for a hearing. The appeal must be in writing and must be requested within ten days of the alarm user having received Notice of Alarm. Failure to contest the determination in the required time period results in a conclusive presumption that the alarm was false.
- B. If a hearing is requested, written notice of the time and place of the hearing shall be served on the user by the Chief of Police by certified mail at least 10 days prior to the date set for the hearing, which date shall not be more than 21 nor less than 10 days after the filing of the request for hearing.
- C. The hearing shall be before the Chief of Police. The Coordinator and the alarm user shall have the right to present written and oral evidence, subject to the right of cross-examination. If the Chief of Police determines that the false alarms alleged have or have not occurred in a permit year, the Chief of Police shall issue written findings waiving, expunging or entering a false alarm designation on an alarm user's record as appropriate. If false alarm designations are entered on the alarm user's record, the Coordinator shall pursue fine collection as set out in this Chapter.
- D. The Chief of Police may appoint another person to hear the Appeals and to render judgement.

14B.10.110 Sound Emission Cutoff Feature.

- A. Alarm systems which can be heard outside the building, structure or facility of the alarm user shall be equipped with a sound emission cutoff feature which will stop the emission of sound 15 minutes or less after the alarm is activated.
- B. When an alarm system may be heard outside a building, structure or facility for more than 15 minutes continuously or intermittently, and the alarm owner or alarm company is not readily available or able to silence the device, the Portland Police Bureau is authorized to enter the premises and physically disconnect the sounding device. The alarm owner shall be liable for the cost of, or associated with, disconnecting the alarm. Neither the City nor its officers, agents or employees shall be liable for such costs.
- C. The alarm owner shall be liable for cost of reconnecting the alarm. Neither the City nor its officer, agents or employees shall be liable for such cost.

14B.10.120 Confidentiality and Statistics.

- A. All information submitted in compliance with this Chapter shall be held in the strictest confidence and shall be deemed a public record exempt from disclosure pursuant to ORS 192.502. The Coordinator shall be charged with the sole responsibility for the maintenance of all records of any kind whatsoever under this Chapter.
- B. Subject to the requirements of confidentiality, the Coordinator shall develop and maintain statistics having the purpose of assisting alarm system evaluation for use by members of

the public.

14B.10.130 Enforcement and Penalties.

- A. Enforcement of this ordinance may be by civil action as provided in ORS 30.315, or by criminal prosecution.
- B. Violation of this ordinance shall be punishable upon conviction by a fine of not more than \$500.
- C. The failure or omission to comply with any section of this ordinance shall be deemed a violation and may be so prosecuted, subject to the penalty provided in paragraph B. of this Section.

14B.10.140 Liability.

No liability shall accrue to the City of Portland, the Bureau of Police, or its officers, employees, or agents for any loss or injury due to alleged untimely response or no response to an alarm signal under a valid permit.