

CHAPTER 114: FALSE ALARMS

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sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.

ALARM SYSTEM. Any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an entry or other activity requiring urgent attention and to which police are expected to respond.

ALARM USER. 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.

§114.01 TITLE.

This ordinance or chapter shall be known as the Alarm Ordinance.
(Ord. 2008-12, passed 9-3-2008)

BURGLARY ALARM SYSTEM. An alarm system signaling an entry or attempted entry into the area protected by the system.

§114.02 PURPOSE AND SCOPE.

(1) The purpose of this chapter is to protect the emergency services of the county from misuse.

(2) This chapter governs false alarms, and provides for punishment of violations.
(Ord. 2008-12, passed 9-3-2008)

FALSE ALARM. An alarm signal, 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.

(3) The provisions of this ordinance shall apply only to systems located in the unincorporated portions of Umatilla County.
(Ord. 2008-12, passed 9-3-2008)

ROBBERY ALARM SYSTEM. An alarm system signaling a robbery or attempted robbery.

§114.03 DEFINITIONS.

ALARM BUSINESS. 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

SHERIFF. The Umatilla County Sheriff or designated representative.

UMATILLA COUNTY DISPATCH CENTER. The facility used to receive emergency and general information from the public to be dispatched to the respective law enforcement agencies, including the Umatilla County Sheriff, utilizing the facility.
(Ord. 2008-12, passed 9-3-2008)

§114.04 NUISANCE ALARMS.

(1) Notwithstanding any other provision of law, a peace 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 peace officers are hereby authorized to immediately abate such nuisances by disabling the alarm.

(2) The peace officer must use the least destructive method reasonably available to disable the alarm, and shall provide written notice to the property owner or occupant of the time and reason the alarm was disabled. The written notice may be posted upon the main entrance of the residence or business.

(3) If the peace officer forces entry into a building or residence to disable the alarm, prior to leaving the officer will take all reasonable 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. 2008-12, passed 9-3-2008)

§114.05 USER INSTRUCTIONS.

(1) Every alarm business selling, leasing or furnishing to any user an alarm system that is installed on premises located in the area subject to this ordinance shall furnish the user with instructions that provide information to enable the user to operate the alarm system properly and to obtain service for the alarm system at any time.

(2) Every alarm business selling, leasing, or furnishing to any user an alarm system that is installed on premises located in the area subject to this chapter, shall provide every user a

notice, provided by the Sheriff, outlining the consequences of generating false alarms, including possible fines, and such other forms and notices as required by the Sheriff.
(Ord. 2008-12, passed 9-3-2008)

§114.06 FALSE ALARMS.

Any alarm system that has false alarms within any calendar year shall be subject to the following fine:

<u>Number of Alarms</u>	<u>Fine</u>
(a) First false alarm	No fine
(b) Second false alarm	Up to \$50.00
(c) Third false alarm	Up to \$100.00
(d) Fourth false alarm	Up to \$200.00
(e) Fifth false alarm	Up to \$300.00
(f) Sixth false alarm	Up to \$400.00
(g) Seventh and Succeeding false alarms	Up to \$500.00 each

(Ord. 2008-12, passed 9-3-2008)

§114.07 FAILURE TO PAY FEES.

(1) Failure to pay any false alarm fine may result in no future law enforcement response.
(2) The alarm user shall be notified by first-class and certified mail of the amount of fine due and that failure to pay may result in no further law enforcement response to alarms at that property. The alarm user shall have fourteen days from the date of the letter to make arrangements with the Sheriff for payment. If the fines remain unpaid and no payment arrangements have been made at the expiration of fourteen days after the date of the notice of non-payment, the Sheriff shall notify the Umatilla County Dispatch Center of the non-payment and request that the property be flagged for non-response on any additional alarms generated at the property until such time as the fines are paid.

(3) Any alarm user who has been notified of a false alarm, or assessed a false alarm fine may, within two weeks after being notified that an alarm was determined to be a false alarm, appeal to the Sheriff by giving written notice to the Sheriff. The Sheriff or designee shall conduct a hearing as soon as possible, after notice to the appellant. The Sheriff or designee shall render a decision within 1 week after the hearing.

(Ord. 2008-12, passed 9-3-2008)

§114.08 ALLOCATION OF REVENUES AND EXPENSES.

(1) All fines collected pursuant to this chapter shall be set aside solely for administration of this ordinance and the Sheriff shall maintain records sufficient to identify the sources and amounts of that revenue.

(2) Any fees shall be set by the Board of Commissioners during the month of June of each year.

(Ord. 2008-12, passed 9-3-2008)

§114.09 ENFORCEMENT AND PENALTIES.

(1) Enforcement of this chapter may be through Umatilla County Code of Ordinances Chapter 38, or by civil action as provided in ORS 30.310, 30.315 or ORS Chapter 203.

(2) 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 fines provided in this chapter and Chapter 38.

(Ord. 2008-12, passed 9-3-2008)

§114.10 ACTION TO RECOVER FINES AUTHORIZED.

A. The County Counsel may file an action on behalf of the county to collect delinquent fines arising from this chapter, provided the amount owed is at least \$1,000. If the County prevails in an action filed under this section, the County shall be entitled to reasonable attorneys fees and costs.

B. Nothing in this section shall be construed as restricting the authority of the county to enter into a settlement of the dispute, including waiving some or all amounts due the county. The authority to settle a disputed amount under this chapter is delegated to the Sheriff, with the advice and consent of the County Counsel.

C. Nothing in this section shall prevent the county from using any other lawful method for collection of amounts due for fees and penalties under this chapter, including turning assigning the debt to a collection agency.

(Ord. 2008-12, passed 9-3-2008)

§114.11 INTERPRETATION.

This chapter shall be liberally construed to effect the purpose of this chapter and to achieve uniform interpretation and application of the county ordinances.

(Ord. 2008-12, passed 9-3-2008)

