



# Clackamas County Sheriff's Office

CRAIG ROBERTS, Sheriff

August 8, 2019

Board of County Commissioners  
Clackamas County

Members of the Board:

## Second Reading of Ordinance Number 06-2019 Amending Chapter 8 (Business Regulation), Section 8.07, Alarm Permit

<b>Purpose/Outcome</b>	To update the Alarm Ordinance to reflect changes to the field and to incorporate industry best practice standards
<b>Dollar Amount and Fiscal Impact</b>	Effective July 1, 2019, revised Alarm Program fees and fines went into effect. Please refer to the attachments for detailed amounts
<b>Funding Source</b>	Alarm permit fees and fines
<b>Safety Impact</b>	Amended language provides clarity for law enforcement response and obligations
<b>Duration</b>	Indefinite
<b>Previous Board Action/Review</b>	April 30, 2019 Policy Session and First Reading on July 18, 2019
<b>Strategic Plan Alignment</b>	Furthers the County's focus to keeping our residents safe, healthy and secure
<b>Counsel Review</b>	County Counsel reviewed and edited prior drafts of the proposed amendments. The amended version of the ordinance brought before the Board has been fully vetted with County Counsel
<b>Contact Person</b>	Julie Rush, Alarm Program Coordinator, Sheriff's Office, (503) 785-5183 Scott Ciecko, Senior Legal Counsel, County Counsel (503) 742-5390

### **BACKGROUND:**

Proposed revisions and additions were needed to account for enforcement limitations of the existing alarm ordinance, non-compliance of alarm users and new alarm technology. The proposed revisions and additions also encourage the accountability of alarm businesses to adopt best practices to assist with false alarm reduction.

### **QUESTIONS FROM FIRST READING:**

During the first reading, Commissioner Humberston inquired about the total number of alarm calls. The following data was provided:

- The total false alarm count for unincorporated Clackamas County in calendar year 2018 = 3235;
- The total alarm incidents for the period January – June 2019 = 2674; and
- The total responses to alarm incidents for the period January – June 2019 = 1082.

Additionally, Commissioner Humberston requested the cost for alarm response. For the period January – June, 2019, 311 patrol hours were dedicated to alarm response. At an average wage of \$105.35 per hour (inclusive of personnel, materials and services and administrative overhead), the approximate cost for alarm response for the period January – June 2019 is \$32,764.

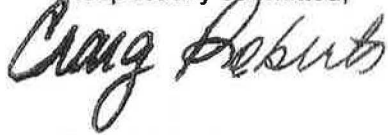
*"Working Together to Make a Difference"*

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**RECOMMENDATION:**

Staff respectfully requests that the Board accept the revised ordinance as presented and that it repeal and replace Chapter 8.07 with said revised ordinance.

Respectfully submitted,

A handwritten signature in black ink that reads "Craig Roberts". The signature is written in a cursive, flowing style.

Craig Roberts,  
Sheriff

Attachments:

- 1) Current Ordinance
- 2) Revised Ordinance
- 3) Alarm Program Fees and Fines Effective on 7/1/19

**ORDINANCE NO. 06-2019**

**An Ordinance Repealing and Replacing Chapter 8.07, Alarm Permit Ordinance of  
the Clackamas County Code**

WHEREAS, the Board of County Commissioners finds that the proposed language replacing Chapter 8.07 provides a stronger regulatory tool for the Sheriff and provides the public with clear instructions about obtaining a permit and what happens when a false alarm occurs; now therefore;

The Board of Commissioners of Clackamas County ordains as follows:

**Section 1:** Chapter 8.07 Burglar Alarm Ordinance is hereby repealed and replaced with attached Chapter 8.07 Alarm Systems Ordinance.

ADOPTED this 8<sup>th</sup> day of August, 2019

**BOARD OF COUNTY COMMISSIONERS**

\_\_\_\_\_  
Chair

\_\_\_\_\_  
Recording Secretary

**ORDINANCE NO. 01-2010**

**An Ordinance Repealing and Replacing Chapter 8.07, Alarm Permit Ordinance of the Clackamas County Code**

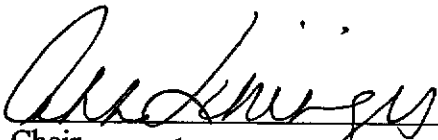
WHEREAS, the Board of County Commissioners finds that the proposed language replacing Chapter 8.07 provides a stronger regulatory tool for the Sheriff and provides the public with clear instructions about obtaining a permit and what happens when a false alarm occurs; now, therefore;

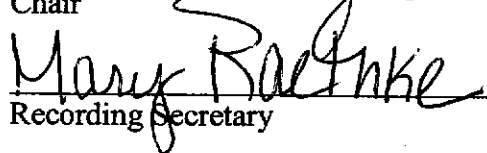
The Board of Commissioners of Clackamas County ordains as follows:

**Section 1:** Chapter 8.07 Burglar Alarm Ordinance is hereby repealed and replaced with the attached Chapter 8.07 Alarm Permit Ordinance.

ADOPTED this 28th day of January, 2010

BOARD OF COUNTY COMMISSIONERS

  
\_\_\_\_\_  
Chair

  
\_\_\_\_\_  
Recording Secretary

## **Chapter 8.07**

### **8.07 ALARM PERMIT ORDINANCE**

#### **8.07.010 Purpose**

- A. The purpose of this chapter is to protect the efficient use of Clackamas County Sheriff emergency law enforcement services and to protect the public from unreasonable alarm noise and disturbance.
- B. The provisions of this chapter shall be administered by the Clackamas County Sheriff and shall apply only to Alarm Systems operated in unincorporated Clackamas County, unless otherwise permitted by law.  
[Codified by Ord. 05-2000, 7/13/00]

#### **8.07.020 Definitions**

- A. **ALARM BUSINESS** means a business by any individual, partnership, corporation or other entity, that sells, leases, maintains, services, repairs, alters, replaces, moves or installs, any Alarm System in or on any building, structure, dwelling or facility.
- B. **ALARM SYSTEM** means any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an entry to a building, structure, dwelling or facility or other activity requiring urgent attention and to which emergency services are expected to respond.
- C. **ALARM USER** means the person(s), firm, partnership, association, corporation, company, organization of any kind, or public entity in control of any building, structure, dwelling 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 chapter signal an emergency message indicating a need for emergency response.
- E. **FALSE ALARM** means an alarm signal eliciting a response by emergency services when a situation requiring a response does not in fact exist. False Alarm does not include an alarm signal caused by uncontrollable conditions of nature or other extraordinary circumstances not reasonably subject to control by the Alarm Business or Alarm User.
- F. **SHERIFF** means the Clackamas County Sheriff or designee.  
[Codified by Ord. 05-2000, 7/13/00]

#### **8.07.030 Fines and Fees**

- A. Fines and fees associated with this chapter shall be set by resolution of the Board of County Commissioners.
- B. Fees must be paid upon demand and fines must be paid within 14 days of the date of notice that a fine is due or the fine will double.

**8.07.040 Alarm Permit Requirements; Violation; Suspension of Sheriff Emergency Services**

- A. No Alarm System shall be operated without an alarm permit issued by the Sheriff. Application for an alarm permit shall be made with the Sheriff and the applicant shall be the responsible party for purposes of enforcing this chapter.
- B. A permit shall be issued to the property address of the Alarm System and bear the signature of the Sheriff. The permit shall be valid for one-year from the date issued unless suspended pursuant to this chapter.
- C. An alarm permit shall be kept physically upon the premises using the Alarm System and shall be available for inspection by the Sheriff upon request.  
[Amended by Section 30 of Ord. 5-2003, Enacted 3-13-03]
- D. An alarm permit fee is not required upon proof that a residential applicant is over 65 and is a primary resident unless a commercial business is conducted in or on the premises.
- E. An alarm permit fee is not required when the Alarm User is a public entity and the permit issued shall not be subject to suspension.
- F. It shall be a violation of this chapter to operate an Alarm System without a permit except as provided by this chapter. Within 14 days of a Notice of Violation an Alarm User must submit a permit application, and applicable fees and fines to the Sheriff. Failure to comply may suspend further Sheriff emergency law enforcement services to the subject address without further notice.  
[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2003, 3/13/03]

**8.07.050 Automatic Dialing Device: Certain Interconnections Prohibited**

- A. It is a violation of this chapter for any person to program an Automatic Dialing Device to select a telephone line assigned to the County.
- B. It is a violation of this chapter to fail to disconnect or to reprogram an Automatic Dialing Device which is programmed to select a telephone line assigned to the County within twelve (12) hours of notice that it is so programmed.  
[Codified by Ord. 05-2000, 7/13/00]

**8.07.060 False Alarms and Permit Suspension**

- A. It shall be a violation of this chapter for an Alarm User to incur a False Alarm at the permit address during the alarm permit year. The fourth False Alarm in a permit year shall be cause to suspend the alarm permit for one year from the date of the last False Alarm
- B. Following a fourth False Alarm within the permit year, the Sheriff will mail the permit applicant a Notice of Suspension which unless appealed in accordance with this chapter will be effective and final on the date of mailing without further notice.
- C. The Sheriff may suspend law enforcement emergency response to an alarm at the permit address for the period of suspension or until a new permit is issued.
- D. An alarm permit suspended under this chapter will prohibit reapplication at the permit address for the term of the suspension period and until all fines have been paid, except upon new application and proof of transfer of ownership of the property.

[Codified by Ord. 05-2000, 7/13/00; Amended by Ord. 05-2003, 3/13/03]

**8.07.070 Appeal of Notice of Suspension**

- A. An appeal of Notice of Suspension of an alarm permit may be made by a permit applicant and must be received by the Sheriff within 14 days from the date of mailing of the notice. It must set forth an explanation why the permit should not be suspended, an explanation if any for the False Alarms to include supporting or mitigating information, and describe actions taken to eliminate a future False Alarm.
- B. The Sheriff will review a timely appeal and issue a written final determination setting forth reasons supporting the determination within 14 days from the date of receipt of the appeal. The final determination will be effective on the date issued and shall include information on the right of appeal.
- C. Appeal of a final determination may be taken exclusively by writ of review in the manner set forth in ORS 34.010 to ORS 34.100.

**8.07.080 Continuous Alarm as Public Nuisance; Disconnection Of Alarm**

Any bell, horn, or siren used in conjunction with an Alarm System which can be heard outside a building, structure, dwelling or facility for more than fifteen (15) minutes continuously or intermittently and the Alarm User is not readily available or able to silence the device, is a public nuisance and may be disconnected or otherwise silenced by responding law enforcement personnel. Disconnection may be made by such means as is reasonably necessary to silence the alarm. The Alarm User shall be solely responsible for property damage associated with disconnecting or silencing the alarm, and costs of reconnection. [Codified by Ord. 05-2000, 7/13/00]

**8.07.090 Allocation Of Revenues And Expenses**

All fees and fines collected pursuant to this chapter shall be set aside solely for the administration of this chapter. The Sheriff shall maintain records sufficient to identify the sources and amounts of that revenue.  
[Codified by Ord. 05-2000, 7/13/00]

# CHAPTER 8.07: ALARM SYSTEMS

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## 8.07.010 Purpose and Scope

A. The purpose of this chapter is to reduce the number of false alarms from private alarm systems by requiring alarm users and alarm businesses to retain responsibility for maintaining the mechanical reliability and the proper use of alarm systems to prevent unnecessary emergency response to false alarms and thereby protect emergency response capabilities of Clackamas County from misuse.

B. This chapter governs systems intended to summon a public safety response, authorizes fees and fines, establishes a system of administration, sets conditions for the suspension of public safety response and establishes a public education and training program.

C. The provisions of this chapter shall be administered by the Clackamas County Sheriff and shall apply only to alarm systems operated in unincorporated Clackamas County, unless otherwise permitted by law. [Adopted by Ord. 01-2010, 1/28/10]

## 8.07.020 Definitions

**ALARM ADMINISTRATOR** means the person or persons designated by the Sheriff's Office to administer the provisions of this chapter.

**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 in or on any building, structure or facility. Alarm businesses also include any person, business, or organization that monitors security alarm systems and initiates alarm dispatch requests.

**ALARM USER** means any person who has contracted for monitoring, repair, installation or maintenance service for an alarm system from an alarm installation company or monitoring company, or an individual or business who purchases, installs (see DIY), or self-monitors (see MIY) an alarm system which is not professionally monitored, maintained or repaired under agreement with an alarm business.

**ALARM USER AWARENESS CLASS** means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

**ALARM SITE** means a structure or portion thereof served by a single security alarm system. In a multi-tenant building or complex, each portion of the structure or complex having its own security alarm system is considered a separate alarm site.

**ALARM SYSTEM** means a device or series of devices, which emit or transmit an audible or remote visual or electronic alarm signal, arranged to identify the occurrence of an illegal entry or other activity intended to summon public safety response. The term includes hardwired systems, surveillance cameras and systems interconnected with a radio frequency method such as cellular or private radio signals, and includes local alarm systems. This does not include an alarm installed in a motor vehicle or a system which will not emit a signal, either audible or visible, from the outside of the building, residence or beyond, but is designed solely to alert the occupants of a building or residence.



**AUTOMATIC DIALING DEVICE** means a device connected to a telephone line or internet connection programmed to select a predetermined telephone number or internet location (URL address) and transmit by voice message or code signal an emergency message indicating a need for emergency response.

**DIY SYSTEM** (Do it yourself) means an alarm system installed by an alarm user.

**ENHANCED CALL CONFIRMATION (ECC)** means an attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user and/or the alarm user's designated representatives by telephone and/or other electronic means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting a burglar alarm dispatch, in an attempt to avoid an unnecessary alarm dispatch request.

**FALSE ALARM** means an alarm signal, eliciting a response by law enforcement when a situation requiring a response by law enforcement does not in fact exist. An alarm is not considered false if there are signs of forced or attempted entry, is caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.

**FALSE ALARM RESPONSE** means response to an alarm dispatch request by law enforcement where, in the opinion of responding law enforcement, no evidence of criminal activity or attempted forced entry is present that can be reasonably attributed to the alarm activation. Additionally, when law enforcement is unable to determine if evidence of a criminal offense or attempted criminal offense is present because of inaccessibility of the alarm site, the response is presumed to be a false alarm, and is subject to false alarm fines.

**MIY SYSTEM** (monitor it yourself) means the monitoring of an alarm system by the alarm user.

**MONITORING** means the process an alarm business uses to keep watch on alarm systems; to receive alarm activation signals from alarm systems; to verify alarm activations; to relay alarm dispatch requests to the emergency dispatch center for the purpose of summoning law enforcement response to an alarm site; and to cancel alarm dispatch requests.

**PERMIT YEAR** means a 12-month period beginning on the day and month on which an alarm permit is issued.

**PRIMARY RESIDENT** means an alarm user who lawfully occupies an alarm site as an owner, tenant, or holder of other right to occupy the property.

**REVOKED OR REVOCATION** means the cancellation of a permit because the alarm user has failed to renew their permit and/or has unpaid fees or fines. Revocation will result in non-response to alarm calls by law enforcement for up to one year from the date of revocation.

**REINSTATEMENT** means the alarm user has obtained or renewed the required alarm permit, has paid all associated fees and fines and/or has prevailed on an appeal.

**RUNAWAY ALARM** means an alarm system that produces repeated alarm signals from the same zone that do not appear to be caused by separate human action.

**SUSPENSION** means the termination of public safety response to alarms at a specified alarm site as a result of violations of this ordinance.

**UNMONITORED ALARM SYSTEM** means an alarm system that is not actively monitored by an alarm business and whose function is to evoke law enforcement response by means of a generally audible or visible signal, or the alarm user.

**VERIFY** with reference to the monitoring of an alarm system, means an attempt by the alarm company, or its representative, to contact the alarm site and responsible party (parties) by telephonic or other electronic means, whether or not actual contact with a person(s) is made, before requesting law enforcement response, in an attempt to avoid false alarms.

**VIDEO VERIFICATION** An electronic picture, pictures or images viewing an area of the protected premises from which an alarm signal has been received which permits monitoring business personnel or an alarm user to view the area which has an alarm to verify an emergency condition exists or alternately that no emergency appears to exist.

### **8.07.030 Alarm Sites Must be Registered**

A. Law enforcement response to private security alarm sites in unincorporated Clackamas County without corroboration of the need for law enforcement services is a privilege available only to those alarm users who have alarm systems registered with the Clackamas County Sheriff's Office and have obtained the required permit. In order to ensure sufficient law enforcement resources remain available to properly respond to all calls for service, the Clackamas County Sheriff's Office will respond to alarm calls that are not verified only at alarm sites where valid permits have been issued.

B. It shall be a violation of this chapter to operate an alarm system without a permit. The alarm user shall be the responsible party for purposes of enforcing this chapter. Within fourteen (14) days of a Notice of Violation an alarm user must submit a permit application, and applicable fees and fines to the Sheriff.

C. Failure to obtain or maintain a valid permit will also result in the Sheriff's Office suspending law enforcement responses to unverified alarm calls at the alarm site.

### **8.07.040 Permit Terms and Fees**

A. Alarm permits are valid for one year from the date of issuance.

B. Alarm permits are issued to a person or persons (alarm user) having ownership or control of an alarm site (e.g., home owner, business owner, tenant, leaseholder, etc.).

C. Alarm permits are issued to a specific alarm user and alarm site until a change of ownership or control of the alarm site occurs.

D. Alarm permits are non-transferable. A new alarm permit must be obtained whenever there is a change of ownership or occupancy of an alarm site.

E. An alarm permit fee is not required upon proof that a residential applicant is over 65 and is a primary resident unless a commercial business is conducted in or on the premises.

F. An alarm permit fee is not required when the alarm user is a public entity (e.g., public schools, US Postal Service, City or County offices, law enforcement and fire agencies) and the permit issued shall not be subject to suspension.

G. On receipt of the permit application and applicable fees, the alarm administrator (or designee) shall issue an alarm permit.

H. An alarm permit shall be posted at the alarm location and must be visible to responding law enforcement.

I. Alarm permits may be renewed under the following conditions:

1. The alarm site has no unpaid fines;
2. The permit is not suspended for excessive false alarms;
3. The permit is not revoked; and
4. The alarm user updates the registration information, or verifies that the existing information is current.

### **8.07.050 Duties of the Alarm User**

A. An alarm user shall maintain the alarm site and the alarm system in good operating condition and free of false alarms. In addition, the alarm user shall ensure that all persons with access to the premises have an adequate understanding of the alarm system to prevent an unintended activation.

B. An alarm user shall make every reasonable effort to arrive at (or arrange for a designated, responsible person to arrive at) the alarm system's location within thirty (30) minutes after being requested by the monitoring company or law enforcement to:

1. Deactivate the alarm system;
2. Provide access to the alarm site; and/or
3. Provide alternative security for the alarm site.

C. An alarm user shall provide updated names and contact phone numbers to the alarm monitoring company of at least two (2) individuals who are able and have agreed to:

1. Receive notification of an alarm system activation at any time;
2. Respond to the alarm site at any time; and
3. Provide access to the alarm site and deactivate the alarm if necessary.

D. An alarm user must report their assigned permit number to their monitoring company.

E. An alarm user may not activate an alarm system for any reason other than an occurrence of an event that the alarm system was intended to report.

F. An alarm user may not use automatic voice dialers.

G. An alarm user must notify the monitoring company of the alarm site of any suspension of law enforcement response (as provided under this chapter) and request that the monitoring company not make a burglar alarm dispatch request.

H. An alarm user is responsible for obtaining and annually renewing the alarm permit.

I. An alarm user is financially responsible for paying fees and fines as outlined in this ordinance.

### **8.07.060 Duties of Alarm Installation and Monitoring Companies**

A. An alarm business shall take reasonable measures to prevent the occurrence of false alarms, and will take corrective action following a third (3<sup>rd</sup>) false alarm activation (in a permit year) with the alarm user.

B. The alarm installation company shall provide written and oral instructions to each of its alarm users regarding the proper use and operation of their alarm system, specifically to include all instructions necessary to arm and disarm, and how to cancel an unintended alarm activation.

C. Alarm installation companies shall not install or issue a device to activate a hold up alarm, which is single action, non-recessed button.

D. An alarm installer or monitoring company must not use automatic voice dialers.

E. Each alarm installing company and alarm monitoring company shall designate one individual who has the knowledge and authority to address false alarm issues and respond to requests from the alarm administrator. The name, phone number and email address of this individual must be provided to the alarm administrator and be annually updated.

F. A monitoring company shall:

1. Not make an alarm dispatch request of a law enforcement agency in response to a burglary alarm signal, excluding panic, duress and hold up signals, during the first seven (7) days following an alarm system installation.
2. Attempt to verify, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Verification shall require, as a minimum, that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, EXCEPT in the case of a panic, duress, hold up or robbery, or in cases where a crime-in-progress has been verified.
3. When requesting law enforcement response to an alarm site, provide information which may include, but is not limited to, the following information:
  - a. The alarm site permit number;
  - b. The location of the alarm activation to include all additional address identifiers (suite number, apartment number, unit number, etc.); and/or
  - c. The type of alarm activation (burglary, panic, motion, etc.) and the identification of the alarm signal (north, south, front door, back slider, etc.).

G. Transmitted video images should show obvious criminal event-in-progress prior to dispatching law enforcement resources. A person merely seen on video does not establish criminal intent or activity. If transmitted images do not show an obvious criminal event-in-progress the standard verification process of calling the premises and authorized key holders must be undertaken.

H. A monitoring company shall fully inform and caution the Clackamas County Department of Communications (CCOM) dispatcher at the time the initial request is made, of known precautions responding law enforcement personnel must take to avoid incurring injury.

I. A monitoring company, after receiving notice from the alarm administrator that an alarm user's registration status is that of non-registered, shall not make a burglar alarm dispatch request from that alarm user until the required permit has been issued and the alarm user has provided the permit number to the company.

### **8.07.070 False Alarms**

It shall be a violation of this chapter for an alarm user to incur a false alarm at the permit address during the alarm permit year. The fourth (4<sup>th</sup>) false alarm in a permit year shall be cause to suspend the alarm permit for one year from the date of the last false alarm.

### **8.07.080 Fees and Fines**

A. Fines and fees associated with this chapter shall be set by resolution of the Board of County Commissioners.

B. A late charge may be imposed if fines and fees are not paid within thirty (30) days after the invoice is mailed.

C. The alarm administrator may assess the alarm user a fine for a false alarm occurring at the alarm user's alarm site.

D. The alarm location may be suspended from law enforcement response if the alarm user has failed to make a timely payment of a fee or fine assessed under Section 8.07.100 (A)(3) of this chapter.

E. Additional fines may be imposed to the person(s) operating an unregistered alarm system that results in a dispatch request to an alarm activation.

F. If cancellation of law enforcement response occurs prior to their arrival at the alarm site *within 10 minutes of the initial request*, the response is not considered a false alarm and no false alarm fine will be assessed.

G. The alarm installation company shall be assessed a fine if responding law enforcement determines that an on-site employee of the alarm installation company directly caused the false alarm. In this situation, the false alarm will not be counted against the alarm user.

H. The monitoring company shall be assessed a fine for failure to verify alarm system signals as specified in Section 8.07.060 (F) (2) of this chapter.

I. A fine shall be assessed if an alarm business makes a false statement concerning the inspection of an alarm site, the performance of an alarm system, or a call confirmation log.

J. A fine shall be assessed if a monitoring company continues to request law enforcement response to a runaway alarm at an alarm site that has received four (4) or more alarm signals in a permit year from a singular zone where the alarm site has been suspended for excessive false alarms.

K. Notice of the right of appeal under this chapter will be included with notice of any fine.

L. The alarm administrator may offer a one-time waiver for the false alarm fine for the first chargeable false alarm during the alarm user's 1-year registration period, pending the successful completion of the online alarm user awareness class available through the alarm administrator. In order to have the fine waived, the alarm user shall have successfully completed the class within 30 days of the fine notice. Alarm users without online access may request the online school and test be mailed to them. Reasonable additional time to complete the alarm user awareness class shall be allowed for mail delivery.

M. In the event that fines and fees assessed are not paid in full per the guidelines set forth in this chapter, Clackamas County reserves the right to assign the debt for collection.

### **8.07.090 Audible Alarms; Restrictions, Abatement of Malfunctioning Alarm**

A. Any bell, horn, or siren used in conjunction with an alarm system which can be heard outside a building, structure, dwelling or facility for more than fifteen (15) minutes continuously or intermittently and the alarm user is not readily available or able to silence the device, is a public nuisance and may be disconnected or otherwise silenced by responding law enforcement personnel. Disconnection may be made by such means as is reasonably necessary to silence the alarm. The alarm user shall be solely responsible for property damage associated with disconnecting or silencing the alarm, as well as, the costs of reconnection. The County, its employees or agents shall not be responsible or liable for damage resulting from such a disconnection.

### **8.07.100 Suspension of Response**

A. The alarm administrator may suspend law enforcement response to unverified alarm calls at an alarm site if it is determined that:

1. The alarm user has four (4) or more false alarms during a permit year;
2. There is a statement of a material fact known to be false in the alarm permit application.
3. The alarm user has failed to make timely payment of a fee or fine assessed under Section 8.07.080 of this chapter; or
4. An appeal request has been denied for failure to provide adequate documentation as to the cause of the violation and the corrective action taken.

B. Unless there is separate indication that there is a verified crime in progress, law enforcement may refuse response to an alarm dispatch request at an alarm site for which the alarm permit is revoked or suspended.

C. The alarm administrator may again suspend law enforcement response to a reinstated alarm site by again revoking or suspending the alarm registration if it is determined that two (2) false alarms have occurred within sixty (60) days after the reinstatement date.

### **8.07.110 Appeals**

A. If the alarm administrator assesses a fee or fine, suspends an alarm registration or denies the issuance, renewal or reinstatement of an alarm permit, the alarm administrator shall send notice of the action and a statement of the right to appeal to the affected alarm user or alarm business.

B. The alarm user or alarm business may appeal any action described above to the Sheriff, or their designee(s), within twenty-one (21) days from the date of the notice. Failure to deliver the appeal within that time period is a waiver of the right to appeal.

C. The procedure for an appeal to the Sheriff, or their designee(s), is as follows:

1. The alarm user or alarm business submits a written request and provides supporting and mitigating information for appeal as outlined in the appeal guidelines provided in the Notice of Right to Appeal.
2. The Sheriff, or designee(s) will review the appeal within thirty (30) days after receipt of the request and will consider the evidence submitted by the appealing party. The Sheriff, or designee(s), will base its review of the decision by a preponderance of evidence and will render a decision within fifteen (15) days after the date of the review. The decision shall affirm or reverse the decision or action taken by the alarm administrator. The decision of the Sheriff, or designee(s), shall be the final determination of the County in the matter.
3. Filing of an appeal stays the payment for a fee or fine until the appeals process has been exhausted. Any false alarms accrued following the suspension date will be added to the total count at the maximum fine rate.
4. Appeal of a final determination of the County may be taken exclusively by writ of review in the manner set forth in ORS 34.010 to ORS 34.100.

D. The alarm administrator or designee(s), may adjust the count of false alarms or assessed fees based upon:

1. Evidence that a false alarm was caused by action of a communications services provider (i.e., telephone, cellular, cable company);
2. Evidence that a false alarm was caused by a power outage of more than 4 hours or severe weather such as a tornado, earthquake, or excessive winds where a high wind warning has been issued and measured by a local, recognized weather monitoring station (sustained winds of 40 mph or greater).
3. Evidence that an alarm dispatch request was not a false alarm.

E. The alarm administrator may waive all or part of a false alarm fine due to extenuating circumstances or to encourage corrective action with supervisor approval.

### **8.07.120 Reinstatement**

A. A person whose alarm permit has been revoked or suspended may, at the discretion of the Sheriff's Office, have the alarm permit reinstated by the alarm administrator if the alarm user has:

1. Paid a reinstatement fee;
2. Paid or has otherwise resolved, all outstanding fees and fines; or
3. Had an appeal approved and has paid any outstanding fees and/or fines.

### **8.07.130 Confidentiality**

Clackamas County will strive to ensure confidentiality of information submitted by permit applicants and holders and will disclose such information only to the extent required by law.

### **8.07.140 Allocation of Revenues and Expenses**

All fees and fines collected pursuant to this chapter shall first be set aside solely for the administration of this chapter. Funds collected beyond the requirement of the administration of the alarm chapter shall be used to reimburse the Clackamas County Sheriff's Office Patrol Division as a means of cost recovery for public safety response. The Sheriff shall maintain records sufficient to identify the sources and amounts of that revenue.

### **8.07.150 No Duty to Respond**

Alarm registration is not intended to, and does not create a contract, duty, obligation or relationship, between the Clackamas County Sheriff or Clackamas County and the alarm user or alarm business, nor does it guarantee law enforcement response to any alarm call when there is no other indication of the existence of an actual emergency. Any and all liability and consequential damage resulting from failure to respond to an alarm dispatch request is hereby disclaimed and immunity as provided by law is retained. By applying for an alarm permit, the alarm user acknowledges that alarm response may be influenced by the availability of law enforcement resources, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

### **8.07.160 Severability**

The provisions of this Ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.



APPENDIX A - FEES

<p>Legislative History – Adopted by Res#2002-138, 7/1/02; amended by Res#2003-197, 10/2/03; amended by Res#2005-181, 6/30/05; amended by Res#2006-254, 6/22/06; amended by Res#2006-536, 12/7/06; amended by Res#2007-327, 6/21/07; amended by Res#2007-328, 6/21/07; amended by Res#2008-59, 5/8/08; amended by Res#2008-90, 6/26/08; amended by Res#2009-03, 4/9/09; amended by Res#2009-72, adopted 6/25/09; amended by Res#2010-18, adopted 2/25/10; amended by Res#2010-87, 6/24/10; amended Res#2010-122, 10/28/10; amended by Res#2011-49, 6/23/10; amended by Res#2011-75, 10/6/11; amended by Res#2012-32, 5/10/12; amended by Res#2012-62, 6/28/12; amended by Res#2013-51, 6/27/13; amended by Res#2014-01, 1/9/14; amended by Res#2014-59, 6/26/14; amended by Ord#03-2014, 7/31/14; amended by Res#2015-64, 6/25/15; amended by Res#2015-110, 10/22/15; amended by Res#2016-39, 5/5/16; amended by Res#2016-53, 6/30/16; amended by Res#2017-68, 6/29/17; amended by Res#2018-57, 6/28/18; amended by Res#2018-101, 10/11/18; Amended by Ord#01-2019, 2/21/19; amended by Res#2019-63, 6/27/19;</p>					
Department/Division	Auth. Legislation	Fee set by ORS	ORS authorized fee	Code authorized fee	Fee amount
Alarm User Permits			x		
Residence					\$20 per year
Business					\$50 per year

APPENDIX B - FINES

Appendix B – Fines (Adopted by Res# 2002-139, 7/1/02; amended by Res#2003-197, 10/2/03; amended by Res#2005-181, 6/30/05; amended by Res# 2009-72, 6/25/09; amended by Res#2010-34, 4/22/10; Amended by Res#2010-122, 10/28/10; Amended by Res#2012-62, 6/28/12); amended by Res#2014-59, 6/26/14; Amended by Ord. 03-2014, 7/31/14; Amended by Ord. 06-2015, 6/25/15; Amended by Ord. 05-2019, 6/27/19.

DEPARTMENT/DIVISION	AUTHORIZING LEGISLATION	Fine set by ORS	ORS auth. fine	Code auth. fine	FINE AMOUNT
<b>SHERIFF</b>					
Failure to obtain burglar alarm permit	Code §8.07			x	\$75
False Alarm	Code §8.07			x	
1st False Alarm				x	No charge
2nd False Alarm				x	\$100
3rd False Alarm				x	\$150
4th False Alarm				x	\$200
Past Due Fine				x	\$25
Alarm Company Fine				x	\$100