

ORDINANCE NO. 2190

AN ORDINANCE AMENDING BEND CODE CHAPTER 7.08 TO ADD A PERMIT PROCESS FOR ALARMS AND TO MAKE THE FALSE ALARM FEE PAYABLE ON THE SECOND FALSE ALARM

Findings:

- A. Many cities require owners of alarm systems that can trigger an emergency response to obtain an alarm permit. A permit system provides for more accountability for permit owners.
- B. The Bend Police Department responds to over 2,000 false alarms per year, which has a substantial impact on the availability of police to respond to other demands for police service.
- C. The code amendments adopted by this ordinance will impose a fee for false alarms starting with the second false alarm, rather than with the third false alarm, which is the current standard.
- D. The combination of the permit process and the change in the structure of false alarm fees should result in a decrease in false alarms.

Based on these findings, the City of Bend ordains as follows:

Section 1. Bend Code Chapter 7.08 is revised as to read as shown on the attached Exhibit A.

Section 2. All other provisions of the Bend Code remain unchanged and in effect.

First Reading Date: August 15, 2012

Second Reading Date: September 5, 2012

Adopted by roll call vote on September 5, 2012.

YES: Tom Greene NO: None
Scott Ramsay
Mark Capell
Jodie Barram
Jim Clinton
Kathie Eckman
Mayor Jeff Eager



Jeff Eager, Mayor

ATTEST:



Robyn Christie, City Recorder

Approved as to form:



City Attorney's Office

EXHIBIT A

Chapter 7.08 ALARMS

7.08.010 Definitions

The following definitions apply in this Chapter:

- (1) **Alarm:** Any electronic or other signal that requests, causes or is intended to cause a response by police, fire or emergency medical personnel.
- (2) **Alarm System:** Any assembly of equipment, mechanical or electrical, on real property, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which police, fire or medical personnel are expected to respond. An alarm in a single-family residential unit that is not electronically connected to another location is not an alarm system.
- (3) **False alarm:** Any alarm from an alarm system eliciting a response by Police, Fire or emergency medical personnel when a situation requiring a response does not, in fact, exist.
- (4) **Responsible Party:** A person that can respond to an alarm activation to allow responding personnel access to the alarm site and has the ability to deactivate or reset the alarm.
- (5) **Owner:** A person, firm, association, or corporation owning, in possession or control of any property that an alarm originates from.

7.08.015 Alarm Registration

- (1) The City shall develop a voluntary registration program consistent with this Chapter and.

collect information about alarm systems through the existing business license registration program.

7.08.020 False Alarm Response

When a determination has been made by the City that a false alarm has happened and has caused an unnecessary response by the City, the following procedure shall be followed:

- (1) First False Alarm within a 12 month calendar period. The City will issue a notice of false alarm, accompanied by a request for an explanation of the reason for the false alarm.

(2) Second False Alarm within a 12 month calendar period: A second false alarm fee in an amount established by Council resolution will be imposed. The City will issue a notice of false alarm, accompanied by a request for (a) payment of the fee and (b) an explanation of the reason for the false alarm.

(3) Third or subsequent False Alarm within a 12 month calendar period: The third false alarm in the amount established by Council resolution will be imposed. The City will issue a notice of false alarm, accompanied by a request for (a) payment of the fee, (b) an explanation of the reason for the false alarm, and (c) a written action plan to prevent further false alarms. If requested, the owner will also provide written proof that the alarm has been examined by an alarm installation or repair business and what steps were taken to repair the alarm. If the alarm is not a fire alarm, the City may start the procedure to revoke the permit as provided in Section 7.08.030.

(4) After a third False Alarm responded to by the Police Department, the City may, in its discretion, stop providing a Police response to alarms from that alarm owner. The City will notify the owner or a representative of the owner of its decision to stop providing a police response to the alarm. Upon receipt of either a written mitigation plan to eliminate false alarms or that the alarm has been examined and repaired by an alarm installation or repair company, the City may reinstate response to the alarm.

(5) The audible feature of any alarm must automatically silence within fifteen minutes of continuous sound from the alarm. If the audible portion is not silent after fifteen minutes, then City personnel responding to the alarm may take whatever measures are required by the situation including but not limited to, dismantling or disconnecting the alarm. This section shall not apply to fire alarms.

(6) Upon request by City personnel responding to an alarm, a responsible person will respond to the alarm location within 30 minutes of the notification of the request. A failure to respond may, at the City's discretion, result in no further police responses to an alarm at that location until such time as a responsible person can respond. Nothing in this Code shall be interpreted to require any department of the City to respond to any alarm.

7.08.030 Appeal of False Alarm Fees

Any alarm owner may appeal the imposition of any false alarm fee by submitting a written appeal to the Police Chief, or in the case of a fire alarm, to the Fire Chief, within 10 business days of the date the City sends the notice imposing the fee. The appeal must set out all reasons why the fee should not be imposed, and must include evidence supporting any facts relied on in the appeal. The Chief shall decide based on the written appeal notice and any written response provided by City staff. The Chief shall issue a written decision and mail the written decision to the appellant within 15 working days of the date the appeal is received. The decision of the Chief may be appealed to the Municipal Court by filing a written request for hearing within 10 working days of the mailing of the Chief's decision.