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BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR THE COUNTY OF LINCOLN

ORDINANCE # 195

Lincoln County Legal Counsel

AN ORDINANCE RELATING TO ALARM SYSTEMS, PROVIDING FOR ISSUANCE OF PERMITS AND REVOCATION THEREOF, PROHIBITING CERTAIN AUTOMATIC SIGNAL PRACTICES, ALLOCATING REVENUES, AND PROVIDING FOR ADMINISTRATION OF THIS ORDINANCE AND ALL OTHER MATTERS PERTAINING THERETO, AND DECLARING AN EMERGENCY

The Lincoln County Board of Commissioners hereby ORDAINS as follows:

SECTION I: TITLE

This ordinance shall be known as "The Public Safety Alarm Ordinance".

SECTION II: PURPOSE AND SCOPE

(1) The purpose of this ordinance is to protect emergency services of Lincoln County from misuse associated with false alarms.

(2) The ordinance governs fire, medical, burglar, and hazard-monitoring systems; requires permits, establishes fees, provides for revocation of permits; and provides for enforcement of ordinance provisions.

SECTION III: DEFINITIONS

As used in this ordinance, unless the context otherwise requires:

(1) "Alarm Equipment Installer" means any person, firm, or corporation, including employes, agents, and independent contractors who install, maintain, repair, alter, replace, or service any alarm equipment.

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1           (2) "Alarm Equipment Supplier" means any person, firm,  
2 or corporation, including employes, agents, and independent con-  
3 tractors who supply, sell, lease, or rent any alarm equipment.

4           (3) "Alarm Monitoring Service" means any person, firm,  
5 or corporation, including employes, agents, and independent con-  
6 tractors in the business of operating a service whereby persons  
7 receive messages from automatic signaling devices, report emer-  
8 gencies at stated locations, and relay such emergency messages to  
9 a communications center, including, but not limited to, the  
10 sheriff's department.

11           (4) "Alarm System" means a device or system of inter-  
12 connected devices, including hardware and related accessories,  
13 designed to give warning of a fire, burglary, robbery, medical  
14 emergency, or other hazardous condition occurring on the protected  
15 premises.

16           (5) "Alarm User" means a person, firm, partnership,  
17 association, corporation, company, governmental unit, or organi-  
18 zation of any kind in control or ownership of any building, struc-  
19 ture, or facility where an alarm system is maintained and in opera-  
20 tion.

21           (6) "Automatic Signaling Device" means an electrically  
22 or mechanically operated instrument that automatically signals or  
23 sends by any means, including, but not limited to, direct or in-  
24 direct connection to regular telephone lines, a unique coded mes-  
25 sage from protected premises to a separate location upon receipt of  
26 a stimulus from a sensory detection apparatus. These devices

1 include any device that activates any audible alarm or light sig-  
2 naling device attached to the interior or exterior of protected  
3 premises. This definition includes devices utilized to verify or  
4 confirm a signal generated by the protected premises.

5 (7) "Communication Center" means the facility where a  
6 public safety agency or agencies participate in dispatch or call  
7 transfer services, including receiving emergency transmissions and  
8 general information from the public to be dispatched to the res-  
9 pective entities utilizing the center.

10 (8) "Direct Line" means a special telephone line, una-  
11 vailable for use by the public at large, leading directly to the  
12 sheriff's office or communications center from a single, specific  
13 location and designed to be used only to report emergency messages  
14 and signals on a person-to-person basis.

15 (9) "False Alarm" means any activation of an alarm sys-  
16 tem which results in the dispatch of emergency personnel to the  
17 protected premises where emergency personnel are unable to dis-  
18 cover any evidence of an emergency condition, but does not include  
19 a dispatch of emergency personnel pursuant to an alarm signal  
20 caused by violent conditions of nature or other extraordinary  
21 circumstances not reasonably subject to control by the alarm user.

22 (10) "Key" means to utilize a telephone line for trans-  
23 mitting a message.

24 (11) "Regular Phone Line" means a general telephone line  
25 leading to the sheriff's office, communications center, or alarm  
26 monitoring service available for use by the public at large.

1 (12) "Sensory Detection Device" means a mechanical or  
2 electrical device that is part of any automatic signaling device  
3 which is designed for detection of any physical force or condition  
4 inherently characteristic of fire, unauthorized intrusion into or  
5 upon protected premises, or other emergency or hazardous condition,  
6 which results in the dispatch of emergency personnel to the protec-  
7 ted premises.

8 SECTION IV: AUTOMATIC SIGNALING DEVICES - RESTRICTIONS ON KEYING

9 (1) Keying of automatic signaling devices in any manner  
10 so as to send a prerecorded message directly over regular or emer-  
11 gency telephone lines to the sheriff's office or communications  
12 center is hereby prohibited.

13 (2) *On or before October 24, 1983* Within 60 days of the effective date of this ordi-  
14 nancy and after reasonable notice to affected alarm users, all auto-  
15 matic signaling devices presently keyed to send prerecorded mes-  
16 sages directly over regular telephone lines to the sheriff's office  
17 or communications center shall have such keying function disabled.  
18 In the event such keying function is not disabled, prerecorded mes-  
19 sages will no longer be acknowledged or answered by the sheriff's  
20 office or communications center.

21 (3) Only automatic signaling devices that are designed  
22 or installed so as to receive acknowledgement by the communications  
23 center shall be allowed.

24 (4) After the effective date hereof, no one except a  
25 licensed alarm equipment installer shall key any automatic signal-  
26 ing device to a licensed alarm monitoring service.

1 (5) The communications director shall prescribe adminis-  
2 trative rules for the type and number of alarm receivers to be  
3 installed in the communications center. No equipment shall be  
4 installed and no alarm signal shall be sent to the communications  
5 center without the express permission of the communications direc-  
6 tor. Said rules are to be maintained in a written file to be  
7 reasonably available to the public for the purpose of inspection.

7.720

8 SECTION V: DUTIES OF ALARM USERS

9 (1) Every alarm user, who does not utilize an alarm-  
10 monitoring service, shall obtain a permit for each alarm system  
11 located within the county within <sup>by October 24, 1983</sup> 60 days from the effective date  
12 of this ordinance. This section shall not apply to smoke alarms  
13 which are required by law and which are not connected to a communi-  
14 cations center by direct line.

15 (2) It shall be the duty of an alarm user utilizing any  
16 automatic signaling device to arrange for the accomplishment of  
17 equipment alteration prescribed in section IV <sup>7.715</sup> of this ordinance.

18 (3) Every alarm user utilizing an alarm system with an  
19 automatic signaling device shall be responsible for the maintenance  
20 of the device, and shall repair any defective device within 48  
21 hours after the alarm user learns or reasonably should have learned  
22 that the device is defective. The automatic signaling device shall  
23 be disconnected after the expiration of 48 hours if repairs cannot  
24 be made within that time.

25 . . . . .  
26 . . . . .

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1 (4) Any alarm user required by federal, state, county,  
2 or municipal statute, regulation, rule, or ordinance to install,  
3 maintain, and operate an alarm system shall be subject to this  
4 ordinance. *7.705 to 7.775*

5 (5) Permit application forms shall be made available to  
6 persons required to have them, through the sheriff's office or its  
7 agent. Application and accompanying fees shall be returned to the  
8 sheriff's office for processing.

9 (6) Every permit application required by this section  
10 shall be signed by the alarm user or his or her agent and shall  
11 include the following information:

12 (a) Name, address, and telephone number of the  
13 alarm user. If the applicant is a partnership, the names and  
14 addresses of the partners shall be given; if the applicant is a  
15 corporation, the names and addresses of its principal officers and  
16 registered agent shall be given;

17 (b) Location of alarm system and type of system;

18 (c) Name of licensed installer and the installer's  
19 state license number, if applicable;

20 (d) Name of the person or company responsible for  
21 repair and/or maintenance of the alarm system, if applicable;

22 (e) Statement by applicant on the application that  
23 he/she is aware of the requirements of this ordinance and the fees  
24 and penalties prescribed herein;

25 (f) Names and telephone numbers of persons at dif-  
26 ferent locations who may be authorized to respond to an emergency

1 and enter or open the premises where the device is installed.

2 (7) Information submitted to the sheriff's office pur-  
3 suant to this section shall remain confidential.

4 (8) A fee of \$10 shall be charged to cover the adminis-  
5 trative costs of processing the application. The sheriff may pro-  
6 pose a fee increase to cover increased costs at a maximum of one  
7 time per year from the effective date of this ordinance. All fee  
8 increase proposals shall be approved by the Board to be effective.

9 <sup>7.725</sup>  
SECTION VI: REVOCATION OF ALARM-USER PERMITS

10 (1) The following shall be grounds for revoking any  
11 alarm-user permit:

12 (a) Any false or incomplete statement made on the  
13 permit application;

14 <sup>subtittle</sup>  
15 (b) Failure to comply with any provision of this  
16 ordinance;

17 <sup>7.760</sup>  
18 (c) Failure to pay a false alarm fee as prescribed  
19 in section XIII of this ordinance within 30 days of demand.

20 (2) An alarm user shall immediately discontinue use of  
21 the alarm system upon being notified by certified mail of the  
22 revocation of the permit.

23 (3) Any party whose permit has been revoked under sub-  
24 section (1) hereof may appeal the revocation under the provisions  
25 of section <sup>7.765</sup> XIV.

26 (4) An application for a permit subsequent to a revoca-  
tion of a prior permit is considered an initial application and  
is subject to the fee provisions of section <sup>7.720</sup> V(8).

1           (5) Each permit shall remain in effect for a period of  
2 five years from the date of issuance unless the permit is suspen-  
3 ded or revoked; or the alarm equipment installer, supplier, or  
4 alarm monitoring service discontinues service; or the person or  
5 persons, or organizations owning, leasing, renting, or in control  
6 of the protected premises changes. In the event any of the above  
7 conditions occur, the permit shall be null and void, and continued  
8 use of an alarm system shall be deemed in violation of this ordi-  
9 nance, subject to the penalties provision of section XIII.

10           (6) Each alarm user permit shall be available for in-  
11 spection at reasonable times by the sheriff or communication center.

12           (7) Within 10 days following any change of circumstances  
13 which renders obsolete any of the information submitted pursuant to  
14 section V(6), the alarm user shall file an amendment to his appli-  
15 cation setting forth the current accurate information. No addition-  
16 al fee shall be required for this change in information.

17 SECTION VII: ALARM EQUIPMENT SUPPLIER AND INSTALLER PERMITS

18           Any alarm equipment supplier or installer selling or leas-  
19 ing automatic signaling devices for installation in or upon any pre-  
20 mises in the county, or installing or maintaining such devices,  
21 whether or not such devices are keyed to a licensed alarm monitor-  
22 ing service, shall obtain a license from the sheriff's office before  
23 engaging in such sale, lease, installation, or maintenance. Each  
24 application shall be signed by the individual proprietor of such  
25 business or by a partner or authorized corporate official and shall  
26 include the following:

1 (1) Name, address, and telephone number of the alarm  
2 equipment supplier or installer; names of all persons authorized to  
3 enter protected premises on behalf of the supplier or installer;  
4 type of business organization (individual proprietorship, partner-  
5 ship, or corporation). If a corporation, the names and addresses  
6 of the principal officers and state where incorporated.

7 (2) A statement certifying that the availability of  
8 24-hour service of automatic signal devices has been provided to  
9 each customer to include a 24-hour telephone number to obtain  
10 service.

11 (3) A statement that the applicant agrees to comply with  
12 the operation standards listed within this ordinance. <sup>7.705 to 7.775</sup>

13 (4) A verification section to be signed by the applicant  
14 that all alarm equipment installers employed by the applicant have  
15 an Oregon State Limited Energy Electrical License as required by  
16 ORS 479.620. The section shall also include a statement by the  
17 applicant and his/her agents that no alarm system shall be instal-  
18 led, used, or maintained in violation of any of the requirements of  
19 adopted provisions of the Uniform Fire Code or of any applicable  
20 statute, law, or administrative regulation of the state of Oregon  
21 or Lincoln County.

22 (5) All alarm equipment suppliers or installers shall  
23 provide their employes or agents, who actually install and/or main-  
24 tain alarms, an identification card designating the name of the  
25 person and the business name of the supplier or installer. The  
26 applicant and persons required to have the identification card

1 shall carry the identification card and produce it upon request.

2 (6) The sheriff may refuse to issue a permit under this  
3 section if an applicant or his/her agent(s) authorized to enter  
4 protected premises have been convicted of a crime or moral turpi-  
5 tude or any felony.

6 (7) The sheriff shall provide application forms. Fees  
7 shall be charged in accordance with section V(8). <sup>7.720</sup>

8 (8) Each permit shall remain in effect as provided in  
9 section VI(5), (6), and (7). <sup>7.725</sup>

10 SECTION VIII: ALARM EQUIPMENT OPERATIONAL STANDARDS FOR SUPPLIERS AND  
11 INSTALLERS <sup>7.735</sup>

12 In addition to other requirements for issuance of permits  
13 imposed by this ordinance, the sheriff, before issuance of a permit,  
14 shall ensure that the following minimum operational standards are  
15 met and agreed upon: <sup>7.720 to</sup>

16 (1) An alarm equipment supplier or installer that sells  
17 leases, or rents automatic signaling devices for installation in or  
18 upon any premises in the county or installs or maintains such de-  
19 vice whether or not such device is keyed to a licensed monitoring  
20 service, shall furnish to the person for whom such device is in-  
21 stalled or service provided, complete instructions detailing the  
22 operation of the device. These instructions shall include infor-  
23 mation as to how the device may be disconnected.

24 (2) All licensed alarm equipment suppliers or installers  
25 shall provide the county within 60 days of the sale, lease, rental,  
26 or installation of an alarm system, or with respect to all auto-  
27 matic signaling devices previously sold, leased, installed, or

1 maintained, within 60 days of the effective date of this ordinance,  
2 a listing of all automatic signaling device installations located  
3 in Lincoln County known to the supplier or installer. This infor-  
4 mation shall include the requirements of section V(6)(a), (b), (c),  
5 (d), and (f).

6 (3) When automatic signal devices sold, leased, instal-  
7 led, or maintained by an alarm equipment supplier or installer have  
8 been keyed to a licensed alarm monitoring service, information to  
9 be supplied to the county pursuant to subsection (2) of this sec-  
10 tion, shall be provided in duplicate to the alarm monitoring ser-  
11 vice to which the service has been keyed.

12 (4) At the time of sale, lease, or installation of an  
13 alarm system, all licensed alarm equipment suppliers and installers  
14 shall furnish to the person for whom the automatic signaling de-  
15 vice has been sold, leased, rented, or installed written informa-  
16 tion as to how maintenance service from an installer may be obtain-  
17 ed on a 24-hour basis, including a 24-hour telephone number to call  
18 for service.

19 SECTION IX: ALARM MONITORING SERVICE PERMIT PROCEDURES

20 An alarm monitoring service or a telephone answering  
21 service that desires to include in its service the receipt and  
22 relay of messages from automatic signaling devices shall first  
23 obtain from the sheriff or his agent a permit application form.  
24 The application form, upon completion, shall be returned to the  
25 sheriff for approval and shall include the signature of the owner  
26 or authorized representative of such business and shall include

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7.720  
1 information as required in section V(6)(a), (b), (c), (d), and (f).

2 In addition, an applicant shall provide the following:

3 (1) A statement that the applicant is willing to comply  
4 with the operational standards contained in administrative rules  
5 promulgated by the sheriff's department.

6 (2) An agreement that the sheriff may conduct a back-  
7 ground check on the applicant and any of his/her employees at any  
8 time. Each permit shall remain effective as provided for in  
9 section VI(5), (6), and (7).  
7.725

10 SECTION X: REVOCATION OF PERMITS ISSUED TO ALARM EQUIPMENT SUPPLIERS,  
11 INSTALLERS, and ALARM MONITORING SERVICES  
7.745

12 The following shall be grounds for revoking a permit is-  
13 sued to an alarm equipment supplier, installer, or alarm monitoring  
14 service:

- 15 (1) Any false or incomplete statement made on the permit  
16 application;  
17 (2) failure to comply with any section of this ordinance;  
18 (3) fraud, misrepresentation, or intentional false  
19 statement pertaining to conduct of business authorized by such  
20 permit.

21 The permit holder shall immediately discontinue activity author-  
22 ized by a permit upon receipt of notice or revocation by the sher-  
23 iff by certified mail. Any party whose permit has been revoked  
24 under this section may appeal the revocation pursuant to the pro-  
25 visions of section XIV.  
26 . . . . .

7.750

SECTION XI: FEES

All fees collected by the sheriff pursuant to this ordinance shall promptly be forwarded to the county treasurer for deposit in the county general fund.

7.755

SECTION XII: COORDINATION OF PERMITS

If any alarm equipment supplier or installer also conducts an alarm monitoring service, even though the business names may be different, it will be necessary for the firm or firms involved to pay only one fee for the issuance of both permits. However, necessary forms will need to be completed for each operation for the purposes of processing information and enforcement of this ordinance.

7.760

SECTION XIII: PENALTIES

(1) As a condition of any alarm system permit issued under the provisions of this ordinance, the alarm user shall pay to the county within 10 days of invoice, fees for false alarms generated by the alarm user's alarm system according to the following schedule:

- (a) first two alarms during each calendar year:  
NO CHARGE;
- (b) for each false alarm thereafter: \$100 per false alarm;
- (c) the alarm user's permit shall be subject to revocation in the event 10 or more false alarms are generated within a calendar year.

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1 (2) Violation of provisions of this ordinance and the  
2 administrative rules issued pursuant to this ordinance are pun-  
3 ishable by revocation of the permit by the sheriff or his agent,  
4 and such further remedies as are provided in chapter Ten of the  
5 Lincoln County Code; and any other pertinent statutes, rules,  
6 and remedies at common law.

7 <sup>7.765</sup>  
SECTION XIV: APPEALS

8 Any person who has been assessed a false alarm penalty,  
9 had a permit revoked or suspended, or suffered any other penalty  
10 as provided in this ordinance, with the exception of penalties im-  
11 posed pursuant to chapter Ten of the Lincoln County Code, may  
12 appeal to the Board. A written notice of appeal of any assessment,  
13 revocation, suspension, or other penalty shall be filed with the  
14 sheriff and county counsel within 10 days of the charge. Appeals  
15 procedure shall be governed by administrative rules promulgated by  
16 the sheriff and the Administrative Procedures Act as incorporated  
17 therein.

18 <sup>7.770</sup>  
SECTION XV: NONLIABILITY OF COUNTY

19 Neither the county nor any official or employe thereof,  
20 including the communications center and its employes, shall be  
21 liable for any damage resulting from the malfunction or defective  
22 installation of any alarm system or any alarm monitoring service  
23 or conduct of any personnel of any alarm supplier or installer or  
24 alarm monitoring service as provided for in this ordinance.

25 <sup>7.775</sup>  
SECTION XVI: SEVERABILITY

26 <sup>7.705 to 7.775</sup>  
If any part of this ordinance shall be held invalid by

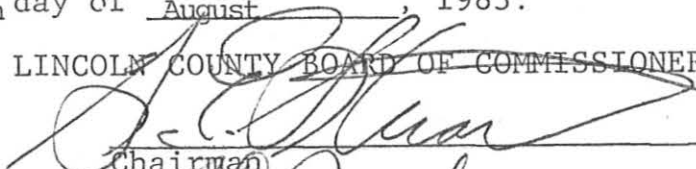
1 a court of competent jurisdiction, the remainder of the ordinance  
2 shall remain in effect notwithstanding the invalidity of any part  
3 of this ordinance. <sup>7,705 to 7,775</sup>

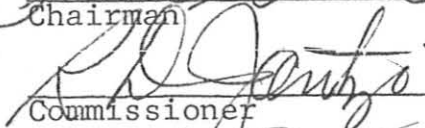
4 SECTION XVII: EMERGENCY

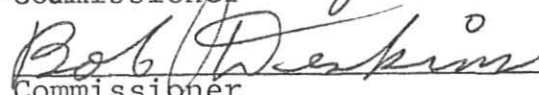
5 This ordinance, being necessary for the immediate preser-  
6 vation of the public peace, health, and safety, an emergency is  
7 declared to exist, and this ordinance takes effect on its  
8 adoption.

9 DATED this 24th day of August, 1983.

10 LINCOLN COUNTY BOARD OF COMMISSIONERS

11   
Chairman

12   
Commissioner

13   
Commissioner