

BEFORE THE BOARD OF COMMISSIONERS

FOR LINCOLN COUNTY, OREGON

ORDINANCE # 464

Relating to public safety alarms; creating new provisions; and declaring an emergency.

The Lincoln County Board of Commissioners ordains as follows:

PUBLIC SAFETY ALARMS

SECTION 1

7.705 Purpose and Scope of LCC 7.705 to 7.785

The Board of County Commissioners finds and declares as follows:

(1) The occupants of numerous residential, commercial, and industrial establishments in the unincorporated areas of the county have found it desirable to make provision for the installation upon their premises, at their own cost and expense, of alarm systems for such emergencies as burglary and robbery.

(2) There are a growing number of private enterprises that have embarked upon the business of selling or leasing such alarm systems, entering into contract with such occupants for the installation, operation, and maintenance of such alarms systems, and providing, either individually or in concert with other private business enterprises similarly engaged, for the connection of the individual alarm systems so installed by them to an alarm system device or devices.

(3) The proliferation of the number of private enterprises engaged in the alarm business, each with its own system and equipment, has resulted in conditions that, if not, remedied, will lead to an unnecessary drain on the manpower, time, space, facilities, and finances of the unincorporated areas of the county and its public safety departments and agencies, a deterioration of the quality of service to persons subscribing to alarm services, and inequities among the various private enterprises engaged in the alarm business in the unincorporated areas of the county. Further, experience has demonstrated that the vast majority of alarms are false. Response to false alarms is a significant drain on law enforcement resources and creates a risk to public safety by diverting deputies from other duties.

(4) The public interest, therefore, requires the enactment of rules, regulations, standards, and procedures to regulate and control the private alarm business in the unincorporated areas of the county.

(5) LCC 7.705 to 7.785 governs fire, medical, burglar, and hazard-monitoring systems, requires permits, establishes fees, provides for revocation of permits, and provides for enforcement of the provisions of LCC 7.705 to 7.785. [1983 o.195 §2]

SECTION 2

7.710 Definitions for LCC 7.705 to 7.785

As used in LCC 7.705 to 7.785, unless the context requires otherwise:

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

(2) "Alarm equipment supplier" means any person, firm, or corporation, including employees, agents, and independent contractors who supply, sell, lease, or rent any alarm equipment.

(3) "Alarm monitoring service" means any person, firm, or corporation, including employees, agents, and independent contractors in the business of operating a service whereby persons receive messages from automatic signaling devices, report emergencies at stated locations, and relay such emergency messages to a communications center, including, but not limited to, the sheriff's department.

(4) "Alarm system" means a device or system of interconnected devices, including hardware and related accessories, designed to give warning of a burglary, robbery, or other hazardous condition occurring on business or residential premises. These include manually-activated silent panic alarms, duress alarms, and hold-up alarms.

(5) "Alarm user" means a person, firm, partnership, association, corporation, company, governmental unit, or organization of any kind in control or ownership of any building, structure, or facility where an alarm system is maintained and in operation.

(6) "Automatic signaling device" means an electrically or mechanically operated instrument that automatically signals or sends by any means, including, but not limited to, direct or indirect connection to regular telephone lines, a unique coded message from protected premises to a separate location upon receipt of a stimulus from a sensory detection apparatus. These devices include any device that activates any audible alarm or light signaling device attached to the interior or exterior of protected premises. This definition includes devices utilized to verify or confirm a signal generated by the protected premises.

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

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

(9) "False alarm" means any activation of an alarm system which results in the dispatch of emergency personnel to the protected premises where emergency personnel are unable to discover any evidence of an emergency condition, but does not include a dispatch of emergency personnel pursuant to an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm user.

(10) "Key" means to utilize a telephone line for transmitting a message.

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

(12) "Sensory detection device" means a mechanical or electrical device that is part of any automatic signaling device which is designed for detection of any physical force or condition inherently characteristic of fire, unauthorized intrusion into or upon protected premises, or other emergency or hazardous condition, which results in the dispatch of emergency personnel to the protected premises. [1983 o.195 §3]

(13) "One-year period" means the period of time commencing upon the occurrence of an initial false alarm, and terminating one year following the initial false alarm.

(14) "Verification" means a video or an audio/video confirmation by an alarm monitoring service; responding private security officer; confirmation from a witness, or other confirmation independent of the alarm signal that a crime has occurred or an emergency exists.

SECTION 3

7.715 Automatic Signaling Devices and Restrictions on Keying

(1) Keying of automatic signaling devices in any manner so as to send a prerecorded message directly over emergency telephone lines to the sheriff's office or communications center is hereby prohibited.

(2) After the effective date of LCC 7.705 to 7.785, no person except a licensed alarm equipment installer shall key any automatic signaling device to a licensed alarm monitoring service.

(3) The communications director shall prescribe administrative rules for the type and number of alarm receivers to be installed in the communication center. No equipment shall be installed and no alarm signal shall be sent to the communication center without the express permission of the communications director. The rules are to be maintained in a written file to be reasonably available to the public for the purpose of inspection. [1983 o.195 §4; 1984 o.216 §1]

SECTION 4

7.720 Duties of Alarm Users

(1) Every alarm user, including those utilizing an alarm-monitoring system, shall obtain a permit for each alarm system located within the county. This section shall not apply to smoke alarms which are required by law and which are not connected to a communications center.

(2) The following shall be duties of an alarm user:

(a) To ensure verification of their alarm system to ascertain the need for response by the sheriff office as prescribed in LCC 7.760. Verification of need for the service means an effort to ascertain the existence of an unauthorized entry justifying a sheriff's office response. Verification may be accomplished by physical inspection of the alarm location, remote electronic inspection, or telephonic verification.

(b) An alarm user utilizing any automatic signaling device to arrange for the accomplishment of equipment alteration prescribed in LCC 7.715.

(3) Every alarm user utilizing an alarm system with an automatic signaling device shall be responsible for the maintenance of the device, and shall repair any defective device within 48 hours

after the alarm user learns or reasonably should have learned that the device is defective. The automatic signaling device shall be disconnected after the expiration of 48 hours if repairs cannot be made within that time.

(4) Any alarm user permitted by federal, state, county, or municipal statute, regulation, rule, or ordinance to install, maintain and operate an alarm system shall be subject to LCC 7.705 to 7.785.

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

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

(a) Name, physical and mailing address, and telephone number of the alarm user. If the applicant is a partnership, the names and addresses of the partners shall be given. If the applicant is a corporation, the names and addresses of its principal officers and registered agent shall be given;

(b) Physical location of alarm system, including street address and type of system;

(c) Name, mailing address, and phone number of licensed installer and the installer's state license number, if applicable;

(d) Name, mailing address and phone number of the person or company responsible for repair or maintenance of the alarm system, if applicable;

(e) Statement by the applicant on the application that the applicant is aware of the requirements of LCC 7.705 to 7.785 and the fees and penalties prescribed in LCC 7.705 to 7.785; and

(f) Names and telephone numbers of persons at different locations who may be authorized to respond to any emergency and enter or open the premises where the device is installed.

(7) Information submitted to the sheriff's office pursuant to this section shall remain confidential.

(8) Fees shall be charged in accordance with LCC 7.750. [1983 o.195 §5; 1988 o.263 §1]

SECTION 5

7.725 Revocation of Alarm User Permit

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

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

(b) Failure to comply with any provision of LCC 7.705 to 7.785; or

(c) Failure by an alarm user or alarm equipment provider to obtain a permit within thirty days if installation of a system capable of eliciting a response, or who is more than thirty days delinquent in renewing a permit. Failure to obtain a permit within thirty days of installation of an alarm system capable of eliciting a response is unlawful and shall be punishable by citation as provided under section 7.770 of this chapter.

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

(3) Any person whose permit has been revoked under subsection (1) of this section may appeal the revocation under the provisions of LCC 7.775.

(4) An application for a permit subsequent to a revocation of a prior permit is considered an initial application and is subject to the fee provisions of LCC 7.720(8).

(5) Each permit shall remain in effect for a period of one year from the date of issuance unless the permit is suspended or revoked, or the alarm equipment installer, supplier, or alarm monitoring service is discontinued, or the person or persons, or organizations owning, leasing, renting, or in control of the protected premises changes. In the event any of the above conditions occur, the permit shall be null and void, and continued use of an alarm system shall be deemed in violation of LCC 7.705 to 7.785, subject to the penalties provision of LCC 7.770.

(6) Each alarm user shall maintain a copy and allow inspection of their permit at reasonable times by the sheriff or communications center.

(7) Within 10 days following any change of circumstances which renders obsolete any of the information submitted pursuant to LCC 7.720(6), the alarm user shall file an amendment to his application setting forth the current accurate information. No additional fee shall be required for this change in information. [1983 o.195 §6]

SECTION 6

7.730 Alarm Equipment Supplier and Installer Permits

Any alarm equipment supplier or installer selling or leasing automatic signaling devices for installation in or upon any premises in the county, or installing or maintaining such devices, whether or not such devices are keyed to a licensed alarm monitoring service, shall obtain a permit from the sheriff's office before engaging in such sale, lease, installation, or maintenance. Each application shall be signed by the individual proprietor of such business or by a partner or authorized corporate official and shall include the following:

(1) Name, address, and telephone number of the alarm equipment supplier or installer, names of all persons authorized to enter protected premises on behalf of the supplier or installer, type of business organization, such as individual proprietorship, partnership, or corporation. If a corporation: the names and addresses of the principal officers and state where incorporated.

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

(3) A statement that the applicant agrees to comply with the operation standards listed within LCC 7.705 to 7.785.

(4) A verification section to be signed by the applicant that all alarm equipment installers employed by the applicant have an Oregon State Limited Energy Electrical License as required by ORS 479.620. The section shall also include a statement by the applicant and agents that no alarm system shall be installed, used, or maintained in violation of any of the requirements of adopted provisions of the Uniform Fire Code or of any applicable statute, law, or administrative regulation of the State of Oregon or Lincoln County.

(5) All alarm equipment suppliers or installers shall provide their employees or agents, who actually install or maintain alarms, an identification card designating the name of the person and the business name of the supplier or installer. The applicant and persons required to have the identification card shall carry the identification card and produce it upon request.

(6) The sheriff may refuse to issue a permit under this section if an applicant or agent authorized to enter protected premises have been convicted of a crime of moral turpitude or any felony.

(7) The sheriff shall provide application forms. Fees shall be charged in accordance with LCC 7.750.

(8) Each permit shall remain in effect as provided in LCC 7.725(5), (6), and (7). [1983 o.195 §7; 1988 o.263 §1]

(9) Every alarm equipment supplier or installer shall notify the user of the requirement to get a permit, shall provide every user with a copy of the application necessary to obtain a permit, and shall provide every user a notice, outlining the consequences of fees and penalties under this ordinance. The alarm supplier/installer shall maintain a record demonstrating compliance with this section, and must provide this documentation to the Lincoln County Sheriff's Office upon request. Alarm suppliers/installers must provide monthly updates of their designated customer list information to the Lincoln County Sheriff's Office by the 10th day of the following month. The list shall include the customer name, physical and mailing addresses, and a phone number.

(10) Failure to comply with this section is unlawful and shall be punishable by citation as provided in section 7.770 of this chapter.

SECTION 7

7.735 Alarm Equipment Operational Standards for Suppliers and Installers

In addition to other requirements for issuance of permits imposed by LCC 7.720 to 7.785, the sheriff, before issuance of a permit, shall ensure that the following minimum operational standards are met and agreed upon:

(1) An alarm equipment supplier or installer that sells, leases, or rents automatic signaling devices for installation in or upon any premises in the county or installs or maintains such device, whether or not such device is keyed to a licensed monitoring service, shall furnish to the person for whom such device is installed or service provided, complete instructions detailing the operation of the device. These instructions shall include information as to how the device may be disconnected.

(2) All licensed alarm equipment suppliers or installers shall provide the county within 30 days of the sale, lease, rental, or installation of an alarm system, a listing of all automatic signaling device installations located in county known to the supplier or installer. This information shall include the requirements of LCC 7.720(6)(a), (b), (c), (d), and (f).

(3) When automatic signal devices sold, leased, installed, or maintained by an alarm equipment supplier or installer have been keyed to a licensed alarm monitoring service, information to be supplied to the county pursuant to subsection (2) of this section, shall be provided in duplicate to the alarm monitoring service to which the service has been keyed.

(4) At the time of sale, lease, or installation of an alarm system, all licensed alarm equipment suppliers and installers shall furnish to the person for whom the automatic signaling device has been sold, leased, rented, or installed written information as to how maintenance service from an installer may be obtained on a 24-hour basis, including a 24-hour telephone number to call for service. [1983 o.195 §8]

SECTION 8

7.740 Alarm Monitoring Service Permit Procedures

An alarm monitoring service or a telephone answering service that desires to include in its service the receipt and relay of messages from automatic signaling devices shall first obtain from the sheriff or his agent a permit application form. The application form, upon completion, shall be returned to the sheriff for approval and shall include the signature of the owner or authorized representative of such business and shall include information as required in LCC 7.720(6)(a), (b), (c), (d), and (f). In addition, an applicant shall provide the following:

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

(2) An agreement that the sheriff may conduct a background check on the applicant and any employees at any time. Each permit shall remain effective as provided for in LCC 7.725(5), (6), and (7).

(3) Fees shall be charged in accordance with LCC 7.750. [1983 o.195 §9; 1988 o.263 §1]

SECTION 9

7.745 Revocation of Permits Issued to Alarm Equipment Suppliers, Installers, and Alarm Monitoring Services

(1) The following shall be grounds for revoking a permit issued to an alarm equipment supplier, installer, or alarm monitoring service:

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

(b) Failure to comply with any section of LCC 7.705 to 7.785; or

(c) Fraud, misrepresentation, or intentional false statement pertaining to conduct of business authorized by such permit;

(2) The permit holder shall immediately discontinue activity authorized by a permit upon receipt of notice of revocation by the sheriff by certified mail.

(3) Any party whose permit has been revoked under this section may appeal the revocation pursuant to the provisions of LCC 7.775. [1983 o.195 §10]

SECTION 10

7.750 Fees

(1) Fees shall be charged to cover the administrative costs of processing applications and monitoring compliance with code provisions. The fees shall be in amounts set by order of the Board of Commissioners in the Lincoln County Fee Schedule.

(2) Each permit is valid for one year from issuance. Alarm installer and alarm monitoring and alarm user permits are nontransferable. Failure to file a signed application form shall not waive the penalties prescribed under the public safety code provisions.

(3) All fees collected by the sheriff pursuant to this title shall promptly be forwarded to the county treasurer for deposit into the county general fund. [1983 o.195 §11; 1988 o.263 §1; 1993 o.313 §16]

SECTION 11

7.755 Coordination of Permits

If any alarm equipment supplier or installer also conducts an alarm monitoring service, it will be necessary for the firm or firms involved to pay both the alarm installer permit fee and the alarm monitoring permit fee. Forms will need to be completed for each operation for the purposes of processing information and enforcement of LCC 7.705 to 7.785. [1983 o.195 §12; 1988 o.263 §1]

SECTION 12

7.760 Response to alarm; determination of validity

(1) Sheriff's Office response: Whenever an alarm is activated in the county and the sheriff's office responds, a deputy on the scene of an activated alarm system shall inspect the area and shall determine whether the sheriff's office response was in fact necessary as indicated by the alarm system or whether the alarm was a false alarm.

(2) The Sheriff's Office shall respond to verified alarms. Verification of need for the service means an effort to ascertain the existence of an unauthorized entry justifying a sheriff's office response. Verification may be accomplished by physical inspection of the alarm location, remote electronic inspection, or telephonic verification. Third-party verification is not needed for emergency personnel to respond to silent panic alarms, duress alarms, and hold-up alarms.

(3) Notification: If a deputy on the premises of an activated alarm system determines the alarm to be false, the officer shall make a report of the false alarm. The alarm user shall be notified of each false alarm determination and shall be subject to a penalty under LCC 7.770.

SECTION 13

7.765 Prohibited acts

(1) No person shall operate or use an alarm system for any other purpose other than for the purpose of which it was intended.

(2) No person shall operate or use an alarm system, which results in a false alarm.

(3) It shall be unlawful for any person to negligently or intentionally activate an alarm system after the permit has been suspended or revoked. Unlawful activation of an alarm system will result in the issuance of a citation.

SECTION 14

7.770 Penalties

(1) As a condition of any alarm system permit issued under the provisions of LCC 7.705 to 7.775 85, 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 fee schedule adopted by the Board of Commissioners.

(2) Violation of provisions of LCC 7.705 to 7.785 and the administrative rules issued pursuant to LCC 7.705 to 7.785 are punishable by revocation of the permit by the sheriff or his

agent, and such further remedies as are provided in LCC chapter 10, and any other pertinent statutes, rules, and remedies at common law. [1983 o.195 §13; 2008 o.453 §1]

(3) Any person who is found in violation of any of the provisions of this chapter shall be subject to the issuance of a citation and imposition of civil penalties not less than one hundred dollars and not more than five hundred dollars. The amount of any permit fee, alarm response fee, application fee, inspection fee, and penalties is a debt to Lincoln County. All such fees and charges shall be deemed delinquent thirty (30) days after they are due and payable.

SECTION 15

7.775 Appeals

Any person who has been assessed a penalty, had a permit revoked or suspended, or suffered any other penalty as provided in LCC 7.705 to 7.785, with the exception of penalties imposed pursuant to chapter 10, may appeal to the Board. A written notice of appeal of any assessment, revocation, suspension, or other penalty shall be filed with the sheriff and county counsel within ten days of the charge. Appeals procedure shall be governed by administrative rules promulgated by the sheriff and the Administrative Procedures Act as incorporated therein. [1983 o.195 §14]

SECTION 16

7.780 Nonliability of County

Neither the county nor any official or employee of the county, including the communications center and its employees, shall be liable for any damage resulting from the malfunction or defective installation of any alarm system or any alarm monitoring service or conduct of any personnel of any alarm supplier or installer of alarm monitoring service as provided for in LCC 7.705 to 7.785. [1983 o.195 §15]

SECTION 17

7.785 Severability

If any part of LCC 7.705 to 7.785 shall be held invalid by a court of competent jurisdiction, the remainder of LCC 7.705 to 7.785 shall remain in effect notwithstanding the invalidity of any part of LCC 7.705 to 7.785. [1983 o.195 §16]

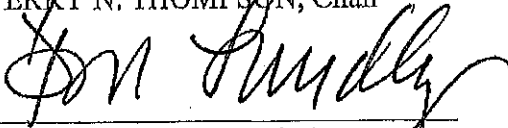
SECTION 18

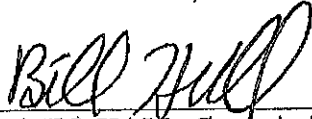
This Ordinance being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist and this Ordinance shall take effect upon March 11, 2011.

DATED this 16th day of March, 2011.

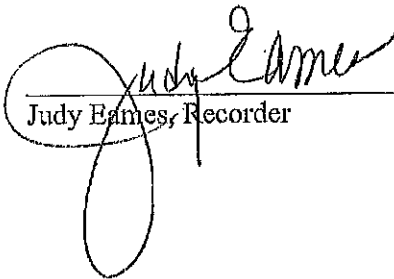
LINCOLN COUNTY BOARD OF COMMISSIONERS


TERRY N. THOMPSON, Chair


DON LINDLY, Commissioner


BILL HALL, Commissioner

ATTESTED TO:


Judy Eames, Recorder

APPROVED AS TO FORM:


Wayne Belmont, County Counsel

NOTE: Matter in boldfaced type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in boldfaced type.