**CHAPTER 113: ALARM ORDINANCE**

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**113.01 TITLE**

This ordinance or chapter shall be known as the Alarm Ordinance.

**113.02 PURPOSE AND SCOPE**

1. The purpose of this chapter is to protect the emergency services from misuse.
2. This chapter governs false alarms, and provides for punishment of violations.
3. The provisions of this ordinance shall apply only to systems located within the Weston city limits.

**113.03 DEFINITIONS**

**Alarm Business:** Any individual, partnership, corporation, or other entity engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.

**Alarm System:**Any assembly of mechanical or electrical equipment arranged to signal an entry or other activity requiring urgent attention and to which police and/or fire personnel are expected to respond.

**Alarm User:** The person, firm, partnership, association, corporation, company or organization in control of any building, structure or facility where an alarm system is maintained.

**False Alarm:** An alarm signal eliciting a response by emergency personnel when a situation requiring a such response does not in fact exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.

**Police:**Includes any city, county, state, or tribal police.

**Fire:** Any firefighter from a local fire agency.

**Medical:**Any medic from a local fire or ambulance company.

**Officer:** Any public official in police, fire, or medical field.

**Umatilla County Dispatch Center:** The facility that receives emergency and general information from the public and dispatches the respective law enforcement, fire, and medical agencies using the facility.

**113.04 NUISANCE ALARMS**

1. Notwithstanding any other provision of law, a police officer, firefighter, and/or medical personnel responding to an alarm may disable the alarm when no responsible person is readily available to silence the alarm and the alarm is disturbing the peace, health, or repose of the neighbors.
2. The police officer, firefighter, and/or medical personnel must use the least destructive method reasonably available to disable the alarm, and shall provide written notice to the property owner or occupant of the time and reason the alarm was disabled. The written notice shall be posted upon the main entrance of the residence or business.
3. If the police officer, firefighter, and/or medical personnel forces entry into a building or residence to disable the alarm, prior to leaving the Officer will take all reasonable steps to secure the business or residence from further entry or damage, unless the owner or other responsible person is present on the scene prior to the departure of the Officer.

**113.05 USER INSTRUCTIONS**

1. Every Alarm Business operating within the City of Weston shall furnish the user with instructions for operating the alarm system properly and to obtain service for the alarm system at any time.
2. Every Alarm Business operating within the City of Weston shall provide every user a notice outlining the consequences of generating false alarms, including possible fines, and such other forms and notices as required by the City of Weston.
3. Any user installing an Alarm System within the City of Weston must sign a consent to search form allowing, Police, Fire, and Medical personnel to enter upon the property when the alarm is active.

**113.06 FALSE ALARMS**

Any Alarm System that that makes a False Alarm within a twelve (12) month period shall be subject to the following:

1. First and second False Alarm: No fine
2. Third and subsequent False Alarms: See fee schedule

**113.07 FAILURE TO PAY FEES**

1. Failure to pay any False Alarm fine may cause the user to forfeit further responses by emergency personnel to any alarm.
2. The alarm user shall be notified by first-class and certified mail of the amount of fine due and that failure to pay may forfeit further responses from emergency responders to alarms at that property. The alarm user shall have fourteen (14) days from the date of the letter to make arrangements with the City for payment. If the fines remain unpaid and no payment arrangements have been made at the expiration of fourteen (14) days after the date of the notice of non-payment, the City shall notify the Umatilla County Dispatch Center of the nonpayment and request that the property be flagged for non-response on any additional alarms generated at the property until the fines are paid.
3. Any alarm user who has been notified of a false alarm, or assessed a false alarm fine may, within two (2) weeks after being notified that an alarm was determined to be a false alarm, appeal to the City by giving written notice to the City Recorder. The City Council shall conduct a hearing as soon as possible, after providing written notice to the appellant. The City Council shall render a decision within one (1) week after the hearing.

**113.08 ALLOCATION OF REVENUES AND EXPENSES**

1. All fines collected pursuant to this chapter shall be set aside solely for administration of this ordinance and the City Hall shall maintain records sufficient to identify the sources and amounts of the revenue.
2. Fees shall be established by the City Council in the City’s Fee Schedule.

**113.09 ENFORCEMENT AND PENALTIES**

This Chapter may be enforced as provided in the Weston City Code, or by civil action as provided in ORS 30.310 and 30.315 or ORS 221.315.

The failure or omission to comply with any section of this ordinance shall be deemed a violation and may be so prosecuted, subject to the fine(s).

**113.10 ACTION TO RECOVER FINES AUTHORIZED**

The City Council may file an action on behalf of the city to collect delinquent fines arising from this chapter. If the City prevails in an action filed under this section, the City shall be entitled to reasonable attorney’s fees and costs.

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

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

**113.11 INTERPRETATION**

This Chapter shall be liberally construed to effect its purpose and to achieve uniform interpretation and application of City ordinances.