

Chapter 2.5 ALARM SYSTEMS*

***Cross reference(s)**--Buildings and building regulations, Ch. 6; fire alarms, § 6-41; fire prevention and protection, Ch. 10; licenses and permits, Ch. 15; offenses, Ch. 17; police, Ch. 20.

- Art. I. In General, §§ 2.5-1--2.5-15**
Art. II. Burglar Alarm Systems, §§ 2.5-16--2.5-24

ARTICLE I. IN GENERAL

- Sec. 2.5-1. Reserved.**
Sec. 2.5-2. Reserved.
Sec. 2.5-3. Reserved.
Sec. 2.5-4. Reserved.
Sec. 2.5-5. Reserved.
Sec. 2.5-6. Reserved.
Sec. 2.5-7. Reserved.
Sec. 2.5-8. Reserved.
Sec. 2.5-9. Reserved.
Sec. 2.5-10. Reserved.
Sec. 2.5-11. Reserved.
Sec. 2.5-12. Reserved.
Sec. 2.5-13. Reserved.
Sec. 2.5-14. Reserved.
Sec. 2.5-15. Reserved.

ARTICLE II. BURGLAR ALARM SYSTEMS*

***Editor's note**--Ord. No. 92-82, adopted Sept. 8, 1982, added Ch. 426, §§ 426.1--426.10 to the former Code. At the discretion of the editor, §§ 426.1--426.9 have been codified as herein set out in Ch. 2.5, Art. II, §§ 2.5-16--2.5-24. Section 426.10, the severability clause, has not been set out.

Sec. 2.5-16. Definitions.

For purposes of this article, the following definitions shall apply unless the context clearly implies otherwise:

Alarm agent means any employee or representative of an alarm business whose duties include installing, servicing or repairing alarm systems located within the city.

Alarm business means any person who is in the business of installing, servicing, repairing or monitoring alarm systems located within the city.

Alarm system means any mechanism or device designed for the detection of unauthorized entry upon any property, other than motor vehicles or vessels, and which, when activated, emits an audio, visual, electronic or other signal.

Alarm user means any person whose property is protected by an alarm system located within the city.

Central station means any telephone answering or similar supervised intermediary message service.

Chief means the chief of police for the city, or a designee.

False alarm means any alarm signal which is not in response to an actual or attempted unauthorized entry upon property requiring an immediate police response. "False alarm" includes signals emitted by a negligently activated alarm system, or by an alarm system deliberately activated when an immediate police response is not required, or by a malfunctioning alarm system. However, "false alarm" does not include signals emitted by an alarm system activated by unusually severe weather conditions or other cause beyond the control of the alarm user. It shall be the burden of the alarm user to demonstrate to the satisfaction of the chief that an alarm signal was the result of such extraordinary cause.

Person means any individual, firm or corporation.
(Ord. No. 92-82, § 426.1, 9-8-82)

Cross reference(s)--Police, Ch. 20.

Sec. 2.5-17. Permits.

(a) *Alarm agents and alarm businesses.* No person shall be an alarm agent or engage in the alarm business without a permit, provided that alarm agents employed by or otherwise contracted by a permitted alarm business are not required to obtain a permit. The permit, or copy of the permit of the alarm business, shall be

carried on the person of every alarm agent while in the course of employment, and shall be prominently displayed by every alarm business at its principal place of business. A copy of the permit of the alarm business shall be carried on the person of every salesperson employed by the alarm business when such salesperson is visiting a business or residence while in the course of employment.

(b) *Alarm users.* No person shall be an alarm user without a permit. However, in the case of persons who are already alarm users on the effective date of this article, this provision shall not take effect until ninety (90) days thereafter. Only one permit shall be required for an alarm user with more than one alarm system at the same location, or for an alarm user with an alarm system at more than one location if an alarm system is required by law.

(c) *Applications.* Applications for permits shall be filed with the chief on a form prescribed for that purpose and accompanied by the appropriate fee. Applications for alarm business permits shall also be accompanied by a listing of all alarm agents employed by the business and said lists shall be updated as needed to remain current. Fees for the issuance of permits authorized under this section shall be established by order of the city council and kept on file at the Portland Police Department. First-time payments of the application fee for alarm agents and alarm businesses shall be prorated over the number of months, including any fraction thereof, remaining between the date of the payment and the following December thirty-first, provided, however, that in no case shall the fee be reduced to less than half. The renewal application fee shall thereafter be due and payable in full on December fifteenth. The one-time application fee for alarm users shall be paid in full. If payment is not made within thirty (30) days thereafter, the application shall be denied and a permit will not be issued.

(d) *Investigations; inspections.* In the case of applications for alarm agent or alarm business permits, the chief shall investigate the qualifications and fitness for the permit of all applicants and all alarm agents employed by applicant alarm businesses as provided on the employee list submitted with the application. In the case of applications for alarm user permits, the applicant shall file with the application a signed statement by an authorized alarm agent that the alarm system has been inspected and is in proper working order.

(e) *Issuance; standards for denial.* Upon receipt of a

completed application, and in the case of applications for alarm agent or alarm business permits, completion of the chief's investigation, the chief shall issue the permit unless the chief finds that:

- (1) The applicant has knowingly or intentionally omitted or falsified information in the application;
- (2) The applicant or alarm agent employed by applicant alarm business has previously violated any provision of this article; or
- (3) In the case of applications for alarm agent or alarm business permits, the applicant or alarm agent employed by applicant alarm business:
 - a. Is not currently licensed by the state electrician's examining board to perform the work of an alarm agent or an alarm business; or
 - b. Has been convicted of any felony crime or any misdemeanor burglary, theft, or fraud offense.

(f) *Expiration.* Alarm agent and alarm business permits shall be valid for no more than two (2) years, and shall expire biannually on December thirty-first. Renewal applications shall be filed in accordance with section (c) above, along with the renewal application fee no later than December fifteenth each renewal year. Alarm user permits shall be valid for as long as the alarm user's property continues to be protected by an alarm system located at the same address as on the permit application. Alarm users shall be required to notify the police department of any changes in the status of the alarm system or property ownership. Any changes to the permit shall require the payment of a fee and any change in property ownership shall require the filing of a new permit application along with the full application fee.

(g) *Grounds for suspension or revocation; hearings.* The chief may, after notice and hearing, suspend or revoke a permit if:

- (1) The permittee has subsequently violated any provision of this article; or
- (2) In the case of alarm agents or alarm businesses, the permittee or alarm agent employed by permitted alarm

business is convicted of any felony crime or any misdemeanor burglary, theft, or fraud offense.

(h) *Decisions.* The decision to deny, suspend, or revoke a permit shall be made in writing, shall state the reason or reasons for the decision, and shall inform the applicant or permittee of the right to appeal.

(i) *Appeals: fee.* Any applicant who is denied a permit, and any permittee whose permit is suspended or revoked, may appeal to the city manager by filing a written notice of appeal with the chief within seven (7) days of the decision. The notice of appeal shall state the basis for the appeal and shall be accompanied by payment of an appeal fee of ten dollars (\$10.00). A hearing shall be held by the city manager or his or her designee within thirty (30) days after the filing of the notice of appeal. The chief shall give written notice of the hearing to the applicant or permittee at least five (5) days before the hearing. The city manager or his or her designee may, after hearing, affirm, reverse, or modify the chief's decision. (Ord. No. 92-82, § 426.2, 9-8-82; Ord. No. 62-83, 7-6-83; Ord. No. 104-10/11, 12-20-10; Ord. No. 213-10/11, 5-2-11)

Sec. 2.5-18. Audible alarm systems.

No alarm user shall maintain any audible alarm system which sounds for more than fifteen (15) minutes when activated. However, in the case of any such alarm system which in fact sounds for more than fifteen (15) minutes when activated, the alarm user, or a designee, shall respond within one (1) hour of police notice to deactivate the alarm system. Each such alarm system, except those protecting exclusively residential property, shall be equipped with a flashing blue light visible from the public way, unless it is directly connected to a central station.
(Ord. No. 92-82, § 426.3, 9-8-82)

Sec. 2.5-19. Direct connections to police department.

No alarm user shall maintain any direct connection from an alarm system to the communication center of the police department.
(Ord. No. 92-82, § 426.4, 9-8-82)

Sec. 2.5-20. Automatic dialing devices.

Any alarm system may be connected to any central station by an automatic dialing device, but no such device shall connect any

alarm system to the communication center of the police department.
(Ord. No. 92-82, § 426.5, 9-8-82)

Sec. 2.5-21. False alarm penalties.

For all alarm users:

- (a) *First response.* For the first police response to a false alarm within any calendar year, the chief shall give written notice of the false alarm to the alarm user within ten (10) business days, and the alarm user shall file a written report with the chief within five (5) days thereafter stating the cause of the false alarm, if known, and describing corrective action taken, if any.
- (b) *Second, third and fourth responses.* For the second, third and fourth police responses to a false alarm within any calendar year, the alarm user shall, upon demand, pay a penalty of one-hundred dollars (\$100.00), and shall, in the case of any equipment failure, file with the chief within three (3) days of notice to do so a signed statement by a licensed alarm business that the alarm system has been inspected and is in proper working order. In the case of human error or other cause, the alarm user shall file a written report with the chief describing corrective action taken, if any.
- (c) *Fifth and sixth responses.* For the fifth and sixth police responses to a false alarm within any calendar year, the alarm user shall, upon demand, pay a penalty of one-hundred fifty dollars (\$150.00), and shall, in the case of any equipment failure, file with the chief within three (3) days of notice to do so a signed statement by a licensed alarm business that the alarm system has been inspected and is in proper working order. In the case of human error or other cause, the alarm user shall file a written report with the chief describing corrective action taken, if any.
- (d) *Seventh and subsequent responses.* For the seventh and subsequent police responses to a false alarm within any calendar year, the alarm user shall, upon demand, pay a penalty of two hundred dollars (\$200.00).

(Ord. No. 92-82, § 426.6, 9-8-82; Ord. No. 117-01/02, 12-3-01; Ord. No. 267-

08/09, 5-18-09; Ord. No. 104-10/11, 12-20-10; Ord. No. 213-10/11, 5-2-11)

Sec. 2.5-22. Inspections by chief.

The chief may inspect or cause to be inspected any alarm system or any property protected by an alarm system at all reasonable times to ensure compliance with the provisions of this article.

(Ord. No. 92-82, § 426.7, 9-8-82)

Sec. 2.5-23. Rules.

The chief may promulgate all reasonable rules not inconsistent with this article to carry out the purposes and provisions hereof. Such rules shall be issued in writing and shall take effect no less than thirty (30) days following the date of issuance unless sooner suspended by the city council.

(Ord. No. 92-82, § 426.8, 9-8-82)

Sec. 2.5-24. Violations.

A violation of any provision of this article, including the failure to pay any false alarm penalty, shall be punishable as provided in section 1-15.

(Ord. No. 92-82, § 426.9, 9-8-82)

***Editor's Note**—Pursuant to Council Order 24-10/100 passed on 8/16/10 Article III, Fire Alarm Systems was repealed in its entirety.
