

## ORDINANCE NO. 388-2024

### AN ORDINANCE AMENDING THE HUBBARD MUNICIPAL CODE TO ADD CHAPTER 8.18, BURGLARY AND ROBBERY ALARMS.

#### **Findings**

A. The City Council of the City of Hubbard finds it in the best interest of the City to adopt requirements for Burglary and Robbery Alarms.

#### **BASED ON THE FINDINGS, THE CITY OF HUBBARD ORDAINS AS FOLLOWS:**

#### **Section 8.18.010.**

This chapter governs burglary and robbery alarms, sets requirements, establishes acceptable standards, and establishes a system for administrators.

#### **8.18.020 Purpose.**

This chapter is to encourage alarm users to assume increased responsibility for maintaining the mechanical reliability and the proper use of alarm systems. The goal of the chapter is to prevent unnecessary police emergency responses to false alarms and thereby to protect the emergency response capability of the City from misuse.

In addition, this chapter will require the issuance of a permit for any burglary and/or robbery alarm and will thereby provide emergency responders with up-to-date information concerning the use of the premises and responsible parties.

#### **8.18.030 Definitions.**

For the purpose of this chapter, the following mean:

- (1) Administrator. A person designated by the Chief of Police to exercise any powers or duties provided by this chapter.
- (2) Alarm User. A person or other entity in control of any building, structure, or facility in which a burglary alarm or robbery alarm is maintained.
- (3) Alarm System. A burglary or robbery alarm as defined herein.
- (4) Burglary Alarm. An alarm system designed to signal an entry or attempted entry into a protected area requiring urgent attention to which police are requested to respond.
- (5) Robbery Alarm. An alarm system designed to signal a robbery or attempted robbery requiring urgent attention to which police are requested to respond.
- (6) False Alarm. Any burglary or robbery alarm requesting a response by police personnel when a situation requiring such response does not in fact exist. It does not include an alarm signal caused

by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm user.

(7) Government Political Unit. Any tax-supported public agency, including the federal government or any government agency as defined in ORS [165.075](#).

#### **8.18.040 Alarm system permits required.**

A permit shall be obtained from the City of Hubbard for the use of a burglary or robbery alarm system within 30 days of the effective date of the ordinance codified in this chapter and thereafter within 30 days of the time any newly installed alarm system becomes operative, or after the expiration of a prior alarm system permit. Each alarm system permit obtained under this Section shall be valid for a period of one year. No person shall use or permit the use of an alarm system on any premises owned, occupied, or controlled by such person, without a valid alarm system permit. Alarm system permits are issued on a calendar year basis and expire on December 31st. New permits for alarm systems installed after August 1st of each year will be valid until December 31st of the following year.

#### **8.18.050 Application for permit.**

An applicant for an alarm system permit shall submit the application to the Hubbard Police Department. The application shall include the following information:

- (1) The street address and telephone number of the location where the alarm system is to be used.
- (2) The name, address and telephone number of the alarm user.
- (3) The address to which notices should be mailed.
- (4) Whether the alarm system is a burglary alarm or a robbery alarm, and whether the alarm or alarms are audible, silent, or both.
- (5) If the alarm is audible, whether it is designed to automatically reset after a certain number of minutes, and if so, the period of time it is designed to function before automatically resetting.
- (6) In the order of their priority, the name, address and telephone number of at least three persons, including the alarm user, who can be contacted in the event of an alarm to assist the police in turning off the alarm or investigating any suspected criminal activity.
- (7) If applicable, the type of business at the alarm system location.
- (8) If applicable, the type of residence such as house, condominium, apartment, or other, at the alarm system location.
- (9) The alarm user's date of birth, if over the age of 62 and requesting an exemption from the permit fee.

#### **8.18.060 Fees.**

- (1) The fee for alarm system permits shall be [\_\_\_\_] per calendar year.
- (2) If an alarm user is over the age of 62 where an alarm system is in use, and no business is conducted at the location, the permit application fee is not required. All other charges for false alarms or delinquency as described in this chapter will apply.
- (3) An alarm user who is a governmental political unit shall be required to obtain a permit but shall not be required to pay fees. All other charges for false alarms or delinquency as described in this chapter will apply.
- (4) A delinquency charge of [\_\_\_\_] shall be assessed if an alarm user:
- (a) Fails to obtain an alarm system permit within the time periods set forth above.
  - (b) Fails to renew an alarm system permit before February 1st of each year.
  - (c) Fails to report a change in any of the provided information on the alarm system permit form within 30 days following the change (no charge shall be assessed for reporting a change of information if the information is reported within 30 days of the date of change and involves the same alarm user).
- (5) If a suspended alarm system permit is reinstated during the term of its issue, a processing fee of [\_\_\_\_] shall be charged for reinstatement.
- (6) Fees shall be set by resolution.

#### **8.18.070 Sound emission cut-off feature.**

Alarm systems which emit audible sound which can be heard outside the building, structure, or facility of the alarm user, shall be equipped with a sound emission cut-off feature which will stop the emission of sound 15 minutes or less after the alarm is activated.

#### **8.18.080 False alarms.**

Alarm permit fee surcharges will be assessed to the alarm user by the administrator for excessive false alarms during the permit year as follows:

2nd False Alarm	[____] (EACH)
3rd False Alarm	[____] (EACH)
4th False Alarm	[____] (EACH)
5th False Alarm	[____] (EACH)
6th through 9th False Alarm	[____] (EACH)
10th and Additional False Alarm	[____] (EACH)

Fees will be set by resolution.

The administrator will notify the alarm user of the false alarm by mail. The mail will be directed to the address of the alarm user, which is set forth in the alarm system permit application, or in any written notice received by the administrator subsequent to the permit application which sets forth a new address. Failure to receive such notice will not be a defense to the imposition of the surcharge. The notification will include information for the user as to how many false alarms have been recorded during the permit year and the consequences of not complying with this chapter. In the event the false alarm meets the criteria for one of the required surcharges, the notification will also inform the alarm user of their right to appeal the validity of the false alarm and the procedures for such appeal. In addition to any and all other penalties provided for in this chapter, failure to pay the assessed surcharge shall result in suspension of the alarm user's permit.

### **8.18.090 Suspension of permits.**

(1) The administrator may suspend any permit issued pursuant to this chapter upon any of the following grounds:

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

(b) Any violation of HMC [8.18.040](#) to [8.18.080](#).

(c) Maintenance, installation, or use of the alarm system in violation of any applicable law, ordinance or regulation, including the requirements of this chapter.

(d) The occurrence of a false alarm which, added together with all other false alarms resulting from that system totals more than five false alarms during the permit period.

(2) A suspension for violation of (1)(a), (b), and (c) of this section shall remain in effect until the applicant demonstrates to the satisfaction of the administrator that the grounds for suspension no longer exist. A suspension for violation of (1)(d) of this section shall remain in effect for a period not to exceed 180 days and may be withdrawn by the administrator upon a satisfactory showing that the circumstances which caused or contributed to the majority of the false alarms resulting in the suspension no longer exists.

### **8.18.100 Right to appeal.**

(1) Any alarm user who has been notified of a false alarm, or assessed a false alarm surcharge, may appeal the determination that the alarm was a false alarm or the surcharge to the Chief of Police by giving written notice to the Chief of Police of said appeal. Such notice must be received by the Chief of Police within 30 days of the date of mailing of the false alarm notice. Failure to contest the administrator's determination within the period set forth above results in a conclusive presumption for all purposes that the alarm was false.

(2) If a hearing is requested, written notice of the time and place of the hearing shall be mailed to the user by certified mail at least 10 days prior to the date set for the hearing.

(3) The hearing shall be before the Chief of Police or designee. The alarm user shall have the right to present written and oral evidence. The Chief of Police shall issue written findings waiving, expunging, or entering a false alarm designation on the alarm user's record. If false alarm designations are entered on the alarm user's record and surcharges are thereby due, such surcharges

must be paid within 30 days of notification of the decision on appeal and any failure to pay the surcharge shall result in suspension of the alarm user's permit as set forth above.

(4) The Chief of Police may appoint another person to be a hearings officer to hear the appeals and to render judgment.

(5) The decision rendered shall be final.

### **8.18.110 Enforcement and penalties.**

(1) Violation of any provision of this chapter shall be punishable subject to the penalties set forth in HMC Chapter 1.20.

(2) The remedies contained herein are cumulative and in addition to any and all other enforcement remedies available at law.

**Section 2.** This Ordinance shall be effective December 1, 2024.

The foregoing Ordinance was passed by the City Council of the City of Hubbard this 14<sup>th</sup> day of May 2024, by the following vote:

**AYES:** \_\_\_\_\_  
**NAYES:** \_\_\_\_\_  
**ABSENT:** \_\_\_\_\_

**WHEREUPON** THE Mayor declared the motion to be carried and the ordinance adopted.


**PASSED AND APPROVED** by the City Council of the City of Hubbard this 14<sup>th</sup> day of May 2024.

\_\_\_\_\_  
Charles Rostocil, Mayor

ATTEST:

\_\_\_\_\_  
Vickie L. Nogle, MMC  
Director of Administration/City Recorder

Approved by the City Attorney:

  
\_\_\_\_\_  
Beery Elsner and Hammond LLP