

Article 20.08 Alarm Systems.

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20.08.602 Purpose.

The purpose of this Article is to encourage alarm users and alarm businesses to assume increased responsibility for maintaining the mechanical reliability and the proper use of alarm systems to prevent unnecessary police emergency response to false alarms, thereby contributing to the protection of the emergency response capability of the City while ensuring the public is protected from unreasonable alarm noise.

(Ord. 2616, Amended, 3-19-13; Ord. 2604, Added, 11-20-12)

20.08.604 Definitions.

For the purposes of this article, the following terms shall mean:

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

Alarm System. Any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an illegal entry or other activity requiring urgent attention and to which police may respond. The system may or may not be interconnected to an automatic communication device. This definition does not include car, fire or medical alarms.

Alarm User. A person, firm, partnership, association, corporation, company or organization of any kind that owns, controls or occupies any building, structure or facility where an alarm system is maintained.

Automatic Communication Device. A device that is interconnected between an alarm system and a telephone line, Internet connection, wireless signal or other communication pathway and is programmed to transmit by voice message or code signal an emergency message indicating a need for emergency response.

Chief of Police. The Chief of Police for the City of Lake Oswego or designee.

Coordinator. The individual designated by the Chief of Police to issue permits and enforce the provisions of this Article.

Current Alarm Permit. An alarm permit that is not expired or revoked, and that has no outstanding fees, penalties, or fines.

False Alarm. An alarm signal that elicits a response by police when a situation requiring a response by the police does not, in fact, exist. This 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.

Interconnect. To connect an alarm system including an automatic communication device to a recipient device through a communication pathway, for the purpose of transmitting a message upon the activation of the alarm system.

LOCOM. The Lake Oswego Communications Center, the City facility used to receive emergency and general information from the public to be dispatched to the respective police departments utilizing the center.

Primary Trunk Line. A telephone line serving the Lake Oswego Communications Center that is designated to receive emergency calls.

Response. Occurs when LOCOM treats an alarm signal as a valid alarm. When treating an alarm signal as valid, LOCOM may dispatch police officers to investigate the alarm signal as call load, staffing levels, and conditions allow.

Year. A 365-day period following a given day.

(Ord. 2890, Amended, 03/17/2022; Ord. 2616, Amended, 3-19-13; Ord. 2604, Added, 11-20-12)

20.08.606 Voluntary Alarm User Permits; Application; Fees.

1. An alarm user may obtain an alarm permit annually for each alarm system from the Coordinator. Application for an alarm permit shall be filed with the Coordinator's office together with the yearly fee in an amount established by a resolution of the City Council. Each permit shall bear the signature of the Chief of Police and shall be valid for a one-year period immediately following issuance of the permit. The permit shall be kept upon the premises using the alarm system and shall be available for inspection by the Chief of Police or designee.
2. Provided that no business is conducted in the residence, a residential alarm user over the age of 65 who resides where the permitted alarm is located may obtain an alarm user's permit without payment of the yearly alarm permit fee.
3. Governmental units shall be exempt from payment of alarm user permit fees.
4. Every permit application shall include, as a condition for the issuance of such permit, the consent of the applicant to the Lake Oswego Police entering the premises or the structure and silencing an alarm that is audible beyond the premises and that continues to sound for more than 15 minutes. The application shall also include an agreement by the applicant to be responsible for the costs associated with silencing the alarm, and waiving any claim against the City, its officers, agents and employees for such costs, or for any resulting damage to the alarm system.

(Ord. 2890, Amended, 03/17/2022; Ord. 2616, Amended, 3-19-13; Ord. 2604, Added, 11-20-12)

20.08.608 Consent to Protective Sweep of Unsecured Building or Residence.

1. Any person who obtains or renews an alarm permit on or after December 20, 2012, will be provided with a form authorizing the Lake Oswego Police to enter and perform a protective sweep of any building or premises where an alarm is activated, the building or premises is unsecured or shows sign of forcible entry, and no responsible person is immediately available to give or refuse consent to enter. The alarm coordinator shall notify LOCOM of all properties where the owner does not provide authorization under this section, and shall request that LOCOM flag the property so as to notify responding officers of the lack of consent.
2. In the absence of authorization under subsection (1) of this section, buildings or premises with activated alarms may nevertheless be entered by police under circumstances where police reasonably believe that entry is justified under applicable law and constitutional provisions.

(Ord. 2616, Amended, 3-19-13; Ord. 2604, Added, 11-20-12)

20.08.612 False Alarms; Fines (No Current Alarm Permit).

1. For alarm systems without a current alarm permit, it is unlawful for any person to own, operate, control, maintain, lease, rent or use an alarm system that generates more than one false alarm in any calendar year.
2. Fines under this section for excessive false alarms in a calendar year shall be as follows:

Second False Alarm:	\$100.00
Third False Alarm:	\$125.00
Fourth False Alarm:	\$175.00
Fifth False Alarm:	\$275.00
Sixth and Any Additional False Alarms:	\$425.00 each

(Ord. 2616, Amended, 3-19-13; Ord. 2604, Added, 11-20-12)

20.08.614 False Alarms; Fines (Current Alarm Permit).

For alarm systems with a current alarm permit, it is unlawful for any person to own, operate, control, maintain, lease, rent or use an alarm system that generates more than two false alarms in any permit year. The fines for violation of this section shall be \$100.00 for the third and for each additional false alarm within a permit year.

(Ord. 2616, Added, 3-19-13)

20.08.615 Intentional Activation of Alarms.

Whenever an alarm user intends to conduct a test or otherwise intentionally set off or activate an alarm system, the user shall notify LOCOM prior to the test or activation being conducted. Failure to do so shall result in the activation being considered a false alarm under this Article.

(Ord. 2616, Added, 3-19-13)

20.08.616 No Response to Excessive Alarms.

1. After the first false alarm in a calendar year for an alarm system without a current alarm permit, or after the second false alarm within a permit year for an alarm system with a current alarm permit, the Coordinator shall send a notice to the alarm user by certified mail including the following information:

- a. That the false alarm has occurred;
- b. That if another false alarm occurs within the calendar year or permit year, the Coordinator may direct LOCOM to suspend response to alarm signals;
- c. That the approval by the Chief of Police of reinstatement of alarm response may be obtained by applying in writing for reinstatement, and that the Chief of Police may reinstate alarm response only upon finding that reasonable effort has been made to correct the false alarms;
- d. That the alarm user has the right to contest the validity of a false alarm determination by filing with the Municipal Court, within 10 days of the date of mailing of the notice under subsection (1) of this section, a written request for a false alarm validity hearing under LOC [20.08.628](#). Failure to contest validity within the required time results in a conclusive presumption that the alarm was false.

2. After the second false alarm in a calendar year for an alarm system without a current alarm permit, or after the third false alarm within a permit year for an alarm system with a current alarm permit, the Coordinator shall direct LOCOM to suspend response to subsequent alarms unless instructed to respond by the Chief of Police pursuant to subsection (4) of this section. The Coordinator shall send a notice of suspension of response to:

- a. LOCOM; and
- b. The alarm user by certified mail.

3. The suspension of response to an alarm shall begin 10 days after mailing of the notice of suspension of response to the alarm user, unless a timely written request for a false alarm validity hearing has been delivered to the Municipal Court.

4. The Chief of Police shall order the Coordinator to reinstate an alarm response if the user makes a written application for reinstatement and the Chief finds that reasonable effort has been made to correct the problem(s) that led to the false alarms.

(Ord. 2616, Amended, 3-19-13; Ord. 2604, Added, 11-20-12)

20.08.618 Special Permits.

An alarm permit issued to an alarm user required by federal, state, county or municipal statute, regulation, rule or ordinance to install, maintain and operate an alarm system shall be designated as a "special alarm permit," which shall not be subject to the no response procedure under LOC [20.08.616](#).

(Ord. 2616, Amended, 3-19-13; Ord. 2604, Added, 11-20-12)

20.08.622 Alarm Business Requirements.

1. Every alarm business selling, leasing, monitoring or furnishing to any user an alarm system that is installed on premises located in the City of Lake Oswego shall:

- a. Provide the user with instructions including information enabling the user to operate the alarm system properly and to obtain service for the alarm system (except where the alarm business is only monitoring the system);
- b. Notify the user of the opportunity to obtain an alarm permit, and provide the user a copy of the permit application;
- c. Give the user a written notice, provided by the Coordinator, outlining the consequences of generating false alarms, including possible fines, and such other forms and notices as required by the Coordinator; and
- d. Maintain records demonstrating compliance with this section, and provide such records to the Lake Oswego Police Department upon request.

2. Alarm businesses subject to subsection (1) of this section shall provide monthly updates of their Lake Oswego alarm customers to the Coordinator by the tenth day of the following month. Any person or entity operating an alarm business that violates the requirements of this subsection (2) shall be subject to a fine of \$500.00 per occurrence.

(Ord. 2616, Amended, 3-19-13; Ord. 2604, Added, 11-20-12)

20.08.626 Automatic Dialing Device; Certain Interconnections Prohibited.

1. It is unlawful for any person to program an automatic dialing device to select a primary trunk line or any telephone line assigned to the City.

2. It is unlawful for an alarm user to fail to disconnect or reprogram an automatic dialing device that is programmed to select a primary trunk line or any telephone line assigned to the City within 12 hours of receipt of written notice from the Coordinator that it is so programmed.

(Ord. 2616, Amended, 3-19-13; Ord. 2604, Added, 11-20-12)

20.08.628 False Alarm Validity Hearing.

1. If a false alarm validity hearing is requested under LOC [20.08.616](#), the Municipal Court shall provide written notice of the time and place of the hearing by certified mail at least 10 days prior to the date set for the hearing, which date shall not be more than 21 nor less than 10 days after receipt of the request for a hearing.

2. The Coordinator and the alarm user shall have the right to present written and oral evidence, subject to the right of cross-examination. Upon determining whether the false alarms alleged have or have not occurred, the Court shall enter an order waiving, expunging or entering a false alarm designation on an alarm user's record as appropriate.

(Ord. 2616, Amended, 3-19-13; Ord. 2604, Added, 11-20-12)

20.08.630 Sound Emission Cutoff Feature.

1. Alarm systems that can be heard off the premises of the alarm user shall be equipped with a functioning sound emission cutoff feature that will stop the emission of sound within 15 minutes after the alarm is activated.

2. When an alarm system can be heard off the premises of the alarm user for more than 15 minutes continuously or intermittently, and the alarm owner or alarm company is not readily available or able to immediately silence the device, such an alarm is deemed a public nuisance and police officers are hereby authorized to immediately abate such a nuisance by disabling the alarm. The alarm owner shall be liable to the City for the costs associated with disconnecting the alarm. Neither the City nor its officers, agents or employees shall be liable for such costs, or for the cost of repairing or reconnecting the alarm.

(Ord. 2616, Amended, 3-19-13; Ord. 2604, Added, 11-20-12)

20.08.632 Confidentiality and Statistics.

1. With the exception of information reasonably necessary to be used for court proceedings, claims or enforcement purposes, alarm permit application information submitted in compliance with this Article shall be held in confidence and shall be deemed exempt from disclosure pursuant to ORS [192.501\(23\)](#) and [192.502\(4\)](#).

2. Subject to the requirements of confidentiality, the Coordinator may develop and maintain statistics having the purpose of assisting alarm system evaluation for use by members of the public.

(Ord. 2616, Amended, 3-19-13; Ord. 2604, Added, 11-20-12)

20.08.634 Liability; Immunity.

Alarm registration or issuance of an alarm permit is not intended to and does not create a contract, duty, or obligation, either express or implied, of responding to an alarm. Any and all liability and consequential damage resulting from the failure to respond to an alarm is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm permit, the alarm user acknowledges that law enforcement response may be influenced by factors such as the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, and prior response history. No liability shall accrue to the City of Lake Oswego, the Lake Oswego Police Department, or their officers, employees, or agents for any loss or injury due to alleged untimely response or no response to an alarm.

(Ord. 2616, Amended, 3-19-13; Ord. 2604, Added, 11-20-12)

20.08.642 Enforcement and Penalties.

1. Violations of any of the provisions of this Article are declared civil violations and shall be enforced pursuant to the provisions of LOC [34.04.101](#) to [34.04.145](#). Prosecution of civil violations may be in addition to or in lieu of any other remedies or enforcement measures provided by law or ordinance, including without limitation enforcement by civil action as provided in ORS [30.315](#).

2. Fines for violations of the provisions of this Article shall be in the amounts specified within this Article and, where not specified, in amounts within the limitation of LOC [34.04.145](#).

(Ord. 2616, Amended, 3-19-13; Ord. 2604, Added, 11-20-12)

The Lake Oswego Municipal Code is current through Ordinance 2894, and legislation passed through June 7, 2022.

Disclaimer: The City Recorder's Office has the official version of the Lake Oswego Municipal Code. Users should contact the City Recorder's Office for ordinances passed subsequent to the ordinance cited above.

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