

CHAPTER 38
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FIRE ALARM PERMITS AND REGULATIONS

38.010. Definitions. As used in this chapter, unless the context otherwise requires:

- (a) "Administrator" means the principal administrative officer of the agency responsible for providing "911" emergency communications service within the City of Salem; or the person designated by such administrative officer to exercise any power or duty conferred under this chapter.
- (b) "Alarm system" means a device or system of interconnected devices, including hardware and related appurtenances, designed to give warning of activities indicative of fire.
- (c) "Annunciator" means that part of an alarm system, other than an automatic dialer, which communicates the fact that the system has been triggered.
- (d) "Audible annunciator" means an annunciator which gives alarm by means of a bell, siren, buzzer, or similar sound-producing device mounted at some location other than wholly within a building; or which is intended to be clearly audible at a distance of 50 feet or more outside of any building in which it is mounted when activated.
- (e) "Automatic dialer" means a device which is programmed to select a telephone number and deliver a verbal warning message or signal over standard telephone lines to a called party who is using telephone voice communication equipment.
- (f) "Center" means the "911" emergency communications center serving the City of Salem.
- (g) "Designated trunk line" means a telephone trunk line designated by the administrator as available for selection by an automatic dialer.
- (h) "Emergency trunk line" means a telephone trunk line having a number listed and published in the Salem Telephone Directory as being the emergency phone for police, fire or ambulance service.
- (i) "False alarm" means any activation of an alarm system not resulting from fire, upon or following which communication is made to the center that an alarm has been triggered. If the alarm, when communicated to the center, is clearly identified to the center as resulting from

authorized system test, or other non-emergency cause, it shall not be considered as a false alarm. If fire units respond to an alarm and check the protected premises according to standard operating procedure, and are unable to discover any evidence of fire, the alarm will be deemed false absent a preponderance of credible evidence to the contrary.

(j) "Monitored fire alarm system" is an alarm system which incorporates a remote annunciator or an automatic dialer, and is designed to give warning of fire only.

(k) "Principal" means the person, firm, or corporation whose premises are protected by an alarm system. For rented or leased dwelling units and other protected premises having more than one tenant protected by a single alarm system, the term "principal" means the building owner.

(l) "Protected premises" means all buildings, real property, and portions thereof protected by an alarm system or systems at a particular street address as determined under SRC Chapter 84.

(m) "Remote annunciator" means an annunciator located at a terminal on the premises of an alarm monitoring service or other location not a part of the protected premises.

(n) "Residential fire alarm system" is a monitored fire alarm system serving a single dwelling unit.

(o) "Security alarm" is an alarm designed to give warning of criminal activity or unauthorized entry only.

(p) "Sensor" means that part of an alarm system which is designed to detect the happening of some event or existence of some condition indicative of fire.

(q) "Universal alarm system" means an alarm system which incorporates a monitored fire alarm and a security alarm. (Ord No. 56-76; Ord. No. 1-89; Ord No. 34-2004)

38.020. Exempt Alarm Systems. An alarm system which incorporates neither an audible annunciator, a remote annunciator, nor an automatic dialer is exempt from the requirements of this chapter. Alarm systems owned, maintained and monitored by any government law enforcement agency in furtherance of law enforcement duties are also exempt. (Ord No. 56-76; Ord No. 20-83; Ord No. 1-89)

38.035. Intentional Alarms. It shall be unlawful for any person to intentionally trigger an alarm system which incorporates an automatic dialer or a remote annunciator except for testing in compliance with the conditions prescribed in this chapter, or to signal an actual emergency involving fire or other condition threatening human life or major property loss and requiring fire emergency response. (Ord No. 1-89; Ord No. 34-2004)

38.045. Effect of Permit on Emergency Response. The City of Salem shall not, by virtue of the issuance of an alarm system permit, be obligated to respond or accord any priority in response to an alarm from a licensed system. (Ord No. 1-89)

38.055. Requirements for Audible Annunciators. Audible annunciators may be activated in conjunction with system testing without notice, provided that such activation is for no more than ten seconds duration each during any four hour period. Alarm activation in compliance with this subsection shall not be deemed a false alarm. (Ord. No. 1-89; Ord No. 34-2004)

38.065. Requirements for Automatic Dialers.

(a) No person shall program an automatic dialer to select any telephone line the user of which has not previously given consent to such programming.

(b) No person shall conduct maintenance or testing on an alarm system which incorporates an automatic dialer without first notifying the users of any telephone lines the dialer is programmed to select. (Ord No. 1-89)

38.080. Alarm System Requirements, Generally.

- (a) No alarm system shall be installed, used, or maintained in violation of any of the requirements of chapters 57 and 58 of this Code, or of any applicable statute, law, or administrative regulation of the United States of America, the State of Oregon, or any administrative rule-making body thereof.
- (b) The holder of an alarm system permit shall be responsible for training and retraining all employees, family members, and other persons who may make regular use of the protected premises and who may, in the normal course of their activities, be in a position to accidentally trigger a sensor. Such training shall include procedures and practices to avoid accidental alarms, and steps to follow in the event the system is accidentally triggered.
- (c) The holder of an alarm system permit shall, at all times, be responsible for the proper maintenance and repair of the system, and for the repair or replacement of any component, method of installation, design feature or like condition which may give rise to a false alarm. (Ord No. 56-76)

38.090. Permits Required.

- (a) It shall be unlawful for any person to use or maintain any monitored fire alarm system or universal alarm system without first obtaining a permit therefor as provided in this chapter.
- (b) No permit shall be required for an exempt alarm system as defined in SRC 38.020, and the provisions of this chapter shall not apply to such systems. (Ord No. 56-76; Ord No. 193-79; Ord No. 20-83; Ord No. 1-89; Ord No. 34-2004)

38.100. Permit Application. Each application for an alarm system permit shall be made on a form prescribed by the city, and shall contain the following information:

- (a) The name, address, and telephone number of the principal of the protected premises.
- (b) The type of premises (home, office, variety store, etc.) and any business name by which the premises is known.
- (c) The address of the protected premises; including, if it is in a residential, commercial, or industrial complex (office building, apartment house, shopping center, etc.), any name by which the complex is commonly known.
- (d) The names, addresses, and telephone numbers, including home phone numbers, of the principal and at least two natural persons who reside within ten miles of the corporate limits of Salem, immediate access to keys to the protected premises, and who have agreed to come to the protected premises upon request of fire agencies when the principal cannot be contacted.
- (e) The type of annunciators and automatic dialers which the alarm system incorporates, the location of all remote annunciators, and the names and phone numbers of all persons or businesses which are or may be preselected for automatic dialer contact.
- (f) The application shall be accompanied by the fee prescribed under SRC 38.120.
- (g) The information provided by the applicant pursuant to subsections (d) and (e) of this section, and all updates thereof, shall be given and accepted in confidence, and kept from public disclosure to the extent permitted by law. (Ord No. 56-76; Ord No. 1-89; Ord No. 34-2004)

38.110. Issuance of Permit. Upon receipt of the permit application and fee the application shall be forwarded to the administrator, who shall undertake whatever investigation may be necessary. If it appears that the proposed system will comply with the provisions of this chapter, the applicant shall be issued a permit bearing an identifying number, specifying the type of alarm system for which it is issued, and setting forth the expiration date of the permit. (Ord No. 56-76; Ord No. 1-89)

38.120. Permit Fees. The fees for alarm system permits shall be as prescribed by resolution of the council. (Ord No. 56-76; Ord No. 20-83; Ord No. 1-89; Ord No. 51-91; Ord No. 51-96)

38.130. Term of Permit.

(a) Each permit for a monitored fire alarm system other than a residential fire alarm system or for a universal alarm system shall be valid for a period of one year following the date of issue unless the permit is suspended or there is a change of the principal for the protected premises and an amended permit has not been issued as provided in SRC 38.135.

(b) Each permit for a residential monitored fire alarm system shall remain in effect for a period of two years from the date of issue unless the permit is suspended or there is a change in principal for the protected premises.

(c) Except as provided in SRC 38.135, any alarm system permit shall terminate upon the making of any modification to the system which would make it different from the type for which the permit was issued.

(d) Upon payment of the permit fee, accompanied by the principal's signed statement that there has been no change in principal, protected premises or type of alarm system, both of which shall be submitted within the 30 day period immediately preceding the expiration date of the permit a renewed permit shall be issued valid for the same period as the expiring permit, and no application processing fee shall be charged. If no renewal application is filed prior to the date on which the previous permit expires, a full permit application and fee shall be filed as provided in SRC 38.100. (Ord No. 56-76; Ord No. 20-83; Ord No. 1-89; Ord No. 34-2004)

38.135. Amendment and Renewal of Permits.

(a) Upon application and payment of an application processing fee of \$7.50, an amended permit designating either a different principal, a different type of alarm system, or both shall be issued, but the term of the permit shall not be extended.

(b) Upon payment of the permit fee, accompanied by the principal's signed statement that there has been no change in principal, protected premises, or type of alarm system, both of which shall be submitted within the 30 day period immediately preceding the expiration date of the permit a renewed permit shall be issued valid for the same period as the expiring permit, and no application processing fee shall be charged. If no renewal application is filed prior to the date on which the previous permit expires, a full permit application and fee shall be filed as provided in SRC 38.100. (Ord No. 1-89)

38.140. Inspection of Alarm Systems. Prior to issuing an alarm system permit, and at any time thereafter during the term thereof, the fire chief of the City of Salem or an officer designated by the chief may inspect any alarm system for which a permit is required. Such inspection shall be for the purpose of ascertaining that information furnished by the applicant or permittee is correct, and that the system is maintained in conformance with the provisions of this chapter. (Ord No. 56-76; Ord No. 1-89; Ord No. 34-2004)

38.150. Current Information Required. Within 10 days following any change of circumstances which renders obsolete any of the information submitted pursuant to SRC 38.100, the permittee shall file with the administrator a written statement setting forth the currently accurate information. No additional fee shall be required unless the change has terminated the permit as provided in SRC 38.130 or requires amendment of the permit under SRC 38.135. (Ord No. 56-76; Ord No. 1-89)

38.160. Suspension of Permits.

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

- (1) Any false or incomplete statement made on the permit application.
 - (2) Any violation of SRC 38.065 to 38.085.
 - (3) Failure to pay a false alarm fee within 30 days of demand.
 - (4) Maintenance, installation, or use of the alarm system in violation of any applicable law, ordinance, or regulation, including the requirements of this chapter.
 - (5) Failure to provide current information as required by SRC 38.150
 - (6) 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 a calendar year.
- (b) A suspension resulting from paragraphs (1) through (5) of subsection (a) 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 under paragraph (6) of that subsection shall be in effect for a period of no longer than 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 exist. (Ord No. 56-76; Ord No. 20-83; Ord No. 1-89; Ord No. 43-96)

38.170. False Alarm Fees. As a condition of any alarm system permit issued under the provisions of this chapter, the permittee shall pay to the City of Salem upon and within ten days of invoice, fees for false alarms generated by the permittee's alarm system as prescribed by resolution of the council. (Ord No. 56-76; Ord No. 20-83; Ord No. 1-89; Ord No. 51-91; Ord No. 51-96; Ord No. 34-2004)

38.175. Excusable False Alarms.

- (a) An alarm which is a false alarm as defined in SRC 38.010 may be excused in the discretion of the responding agency or the investigator under SRC 38.180 (b) upon being satisfied that:
- (1) The alarm system has been responsibly and regularly inspected by experienced and well-trained technicians familiar with its design and operation and the environment in which it is installed.
 - (2) All repairs, replacements, and preventive maintenance recommended by the service personnel who inspected the system have been performed.
 - (3) The cause of the particular false alarm has either been positively identified and corrected, or has been determined not to be misuse or neglect in the use or maintenance of the system and cannot be more precisely identified despite thorough inspection, testing and analysis by technicians as described in paragraph (1) of this section.
 - (4) Technicians as described in paragraph (1) of this section have provided a written opinion that the system is unlikely to produce another false alarm from the same cause.
 - (5) The false alarm was not the result of user error or neglect. "User" includes owners, employees, residents, family members, and guests of the protected premises.
- (b) No more than two false alarms shall be excused during a calendar year unless the permittee provides satisfactory evidence that each component of the alarm system whose malfunction or failure is capable of producing the false alarm have been replaced by competent technicians, and the system has been found free of apparent fault after inspection as provided in paragraph (a) (1) of this section. (Ord No. 1-89)

38.180. Appeals.

- (a) Any person whose alarm system permit has been suspended under SRC 38.160 may appeal that action by giving written notice to the fire chief with respect to a fire alarm system. Such notice shall be given within 30 days after receipt of the notice of suspension. The filing

of a Notice of Appeal shall stay the action appealed until disposition of the appeal by the chief. No person shall directly or indirectly challenge the determination that any false alarm included as one of six giving grounds for suspension was, in fact, false unless the determination is one which was or could be timely appealed under subsection (b) of this section.

(b) Any person who has been assessed a false alarm fee may appeal such charge by giving written notice to the fire chief. Such notice shall be given within ten days of invoice assessing such charge. If the invoice is based on the third false alarm during a calendar year, the permittee may challenge the determination that any of those three alarms were false alarms; otherwise the permittee may challenge the determination only as to the alarm or alarms for which a fee is assessed. The chief shall appoint one or more officers to investigate the circumstances of the alarms upon which the appeal is based. The investigators shall notify the appellant of a time certain, not less than two weeks nor more than four weeks following the date upon which the appeal was filed, at or before which the appellant shall file with the investigator whatever factual information may be relevant in support of the appeal. If the investigator determines the charge to have been made in error the invoice shall be canceled, and the appellant and the city recorder shall be notified of such determination; otherwise the investigator shall make a full report of the investigator's findings and file the same, together with any information filed by the appellant, with the chief. The investigator's determination shall be reviewed by the fire chief and the chief shall, without further hearing, issue a final determination of the appeal. If the permittee appeals as provided in this subsection, no alarm permit shall be suspended under SRC 38.160(a) (3) unless the fee assessment is upheld on appeal and the fee remains unpaid more than ten days after final determination of the appeal. (Ord No. 56-76; Ord No. 20-83; Ord No. 1-89; Ord No. 43-96; Ord No. 34-2004)

38.990. Violations.

(a) Except as provided in subsection (b) of this section, violation of SRC 38.065, or 38.090(a), is an infraction.

(b) Any violation described in subsection (a) of this section is a misdemeanor if it arises from the use, maintenance, or activation of an alarm system for which a permit is then suspended.

(c) Violation of SRC 38.035 is a misdemeanor. (Ord No. 1-89; Ord No. 34-2004)