

CHAPTER 38A
SECURITY ALARM SYSTEMS

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38A.010. Definitions. As used in this chapter, unless the context otherwise require

- (a) "Alarm system provider" means a person or business which sells, leases, maintains, installs, monitors, repairs, moves, or replaces a security alarm system in any building, structure, or facility.
- (b) "Annunciator" means that part of a security alarm system, other than an automatic dialer, which communicates the fact that the system has been triggered.
- (c) "Audible annunciator" means an annunciator which gives an alarm by means of a bell, siren, buzzer, or similar sound-producing device and mounted at some location other than wholly within a building, or if located wholly within a building, intended to be clearly audible when activated at a distance of 50 feet or more outside of the building within which it is mounted.
- (d) "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.
- (e) "Center" means the "911" emergency communications center serving the City of Salem.
- (f) "Duress alarm" means a manually activated security alarm system.
- (g) "False alarm" means any activation of a security alarm system not resulting from criminal activity or unlawful entry upon protected premises, which results in a communication to the Center that an alarm has been triggered.
- (h) "Owner" means the owner of record as shown in the real property records of the county in which the protected premises is located.
- (i) "Private security officer" means "private security officer" as defined in ORS chapter 181.
- (j) "Protected premises" means all buildings, structures, facilities, real property, or portions thereof protected by a security alarm system.
- (k) "Remote annunciator" means an annunciator located at a terminal on the premises of the Salem Police Department, an alarm system provider or other location not a part of the protected premises.
- (l) "Security alarm system" means a device or system of interconnected devices, including hardware and related appurtenances, designed to give warning of activities indicative of criminal conduct or unauthorized entry upon protected premises. A system which does not incorporate an audible annunciator, a remote annunciator, or an automatic dialer, and systems owned, maintained and monitored by any government law enforcement agency in furtherance of law enforcement duties, are not considered security alarm systems for the purposes of this chapter.
- (m) "Sensor" means that part of a security alarm system which is designed to detect the happening of some event, or existence of some condition, indicative of criminal activity or unauthorized entry upon protected premises.
- (n) "Silent alarm system" means a security alarm system having an automatic dialer, a

remote annunciator, or both, but no audible annunciator.

(o) "Subscriber" means any person contracting with an alarm system provider to monitor protected premises and the occupant of the protected premises. For protected premises having more than one occupant protected by a single security alarm system, the term "subscriber" means the owner. (Ord No. 34-2004)

38A.030. No Public Duty Created. It is the express purpose of this chapter to provide for and promote the health, safety, and welfare of the citizens of the City of Salem, but not to create or otherwise establish a duty or obligation, expressed or implied, of response by the city or its police department. Response may be influenced by many factors including, but not limited to, the availability of police units, priority of calls for service, weather conditions, traffic conditions, emergency conditions, staffing levels, and prior response history. (Ord No. 34-2004)

38A.050. Alarm System Requirements, Generally.

(a) No duress alarm may be installed which has a single action, non-recessed activation button.

(b) No security alarm system incorporating an audible annunciator may be installed or maintained unless the system is designed so that each audible annunciator will automatically be silenced within fifteen minutes after being activated, and will not sound again unless a new act or circumstance triggers a sensor.

(c) No automatic dialer may be programmed to select any telephone line of a user that has not previously given consent to such programming.

(d) No person shall install, use or maintain a security alarm system in violation of any of the requirements 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. (Ord No. 34-2004)

38A.100. Unlawful Communication of False Alarms or Information.

(a) It is unlawful for any person to intentionally activate a security alarm system for the purpose of summoning the police when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises.

(b) It is unlawful for any subscriber or private security officer to provide any false information to the Center or a police officer with the intent to mislead and cause a police response.

(c) No alarm system provider or alarm system provider's officer, agent or employee shall provide false information to a police dispatcher which causes a police response.

(d) No owner of protected premises or other person having authorized access to protected premises shall activate a duress alarm that is a false alarm. (Ord No. 34-2004)

38A.200. Civil Penalties.

(a) In lieu of or in addition to any penalty provided by law, a civil penalty may be imposed against an alarm system provider whenever the provider, or the provider's officer, agent or employee, violates SRC 38A.050 or 38A.100(c). The civil penalty for the first violation of this subsection in a calendar year is \$300.00. The second violation is subject to a civil penalty of \$500.00. The third and subsequent violations in a calendar year are subject to a civil penalty of \$1,000.00.

(b) In lieu of or in addition to any penalty provided by law, a civil penalty of \$150 may be imposed against the owner for each violation of SRC 38A.100(d). (Ord No. 34-2004)

38A.210. Notice of Civil Penalties.

- (a) A civil penalty under SRC 38A.200(a) is imposed by issuing written notice of penalty to the alarm system provider's agent registered with the Oregon Secretary of State or, if none, to any apparent agent of the alarm system provider.
- (b) A civil penalty under SRC 38A.200(b) is imposed by issuing written notice of penalty to the owner of the protected premises.
- (c) The notice shall contain the following information:
 - (1) The street address or description sufficient for identification of the protected premises.
 - (2) A description of the circumstances giving rise to the civil penalty.
 - (3) A statement that the alarm system provider or owner may request a hearing on the imposition of the penalty, as provided in SRC 38A.220.
- (d) The civil penalty is final when 10 days have elapsed from the date of mailing the notice if a request for hearing is not filed, or upon determination by the chief of police that the penalty is valid if a request for hearing is filed. (Ord No. 34-2004)

38A.220. Administrative Review of Civil Penalties.

- (a) Any person against whom a civil penalty has been imposed may appeal the civil penalty by giving written notice within ten days of mailing of the notice of civil penalty. The notice of appeal must be in writing and filed with the chief of police, 555 Liberty St. SE, Salem, Oregon 97301. The notice must state the reasons why the person believes that the imposition of the civil penalty was improper.
- (b) The chief of police shall appoint one or more officers to investigate the circumstances upon which the appeal is based. The investigator(s) shall notify the appellant of a time certain, not less than two weeks nor more than four weeks following the date upon which the notice of appeal was filed, at or before which the appellant shall provide the investigator(s) whatever factual information that may be relevant in support of the appeal. The investigator(s) shall hear and determine the appeal on the basis of the appellant's information and any additional evidence the investigator(s) deems appropriate. At the time set for hearing, the appellant may present testimony and oral arguments personally or by counsel.
- (c) Except as expressly provided herein, the burden is on the city to prove by a preponderance of the evidence that the imposition of the civil penalty was proper. A rebuttable presumption that an alarm was false occurred if the city makes a prima facie showing that the police units responded to the alarm and checked the protected premises according to standard operating procedure, and were unable to discover any evidence of unauthorized entry or criminal activity. If the city makes such a prima facie showing, then the burden of persuasion shall shift to the appellant to demonstrate no false alarm occurred.
- (d) The investigator(s) shall make a determination within 10 days of the hearing date. If the investigator(s) determines the civil penalty was imposed in error, the appellant shall be notified of such determination; otherwise the investigator(s) shall make a full report of the findings and file the same, together with the record of the investigation, including any information filed by the appellant, with the City Manager. The investigator(s)'s determination shall be reviewed by the City Manager or the Manager's designee who shall, without further hearing and within 10 days, issue a final determination of the appeal. (Ord No. 34-2004)

38A.990. Violation. Violation of SRC 38A.100(a) or 38A.100(b) is a misdemeanor. (Ord No. 34-2004)

