

7.165 Hours of Operation. No nude entertainment shall occur in an adult business between the hours of 2:00 a.m. and 8:00 a.m.

7.170 Exterior Design Restrictions. No adult business shall have a window or door on the exterior wall which permits an interior view of the premises from the street or sidewalk.

7.175 Maintenance of Premises in Violation Declared a Nuisance--Abatement. Any establishment maintained in violation of the provisions of sections 7.100 to 7.185 is declared to be a public nuisance. The city attorney is authorized to bring any action or suit to abate such nuisance by seeking injunctive or any other appropriate relief in any appropriate forum when he or she has reasonable cause to believe a nuisance under this section exists, regardless of whether or not any individual has been convicted of a violation of sections 7.100 to 7.185.

7.180 Inspection of Premises. A police officer or other city employee designated by the city manager may, during the hours the establishment is open for business, upon presentation of proper identification, inspect those portions of any premises in which an adult business regulated under sections 7.100 to 7.185 is conducted that are open to or frequented by patrons and the records kept on the premises as required by section 7.150. Such inspection shall be limited in scope to that necessary to determine compliance with the regulatory provisions of sections 7.100 to 7.185. Except when an emergency exists, the police officer or city employee shall obtain the consent of the person on the premises who is in charge of the establishment before entering the establishment. Failure to permit the inspection shall be grounds for revocation or suspension of the permit required by sections 7.100 to 7.185. If the inspection is not permitted, the police officer or city employee may obtain a warrant of the municipal court authorizing entry for the purpose of inspection.

(2) No warrant shall be issued under the terms of sections 7.100 to 7.185 until an affidavit has been filed with the municipal court, showing probable cause for the inspection, by stating the purpose and extent of the proposed inspection, citing sections 7.100 to 7.185 as the basis for the inspection, whether it is an inspection instituted by complaint, and other specific or general information concerning the business in question.

(3) No person shall interfere with or attempt to prevent a police officer or city employee from entering upon private premises and inspecting any business when an emergency exists or the police officer or city employee exhibits a warrant authorizing entry.

7.185 Penalty.

(1) The violation of any provision of sections 7.100 to 7.185 shall subject the violator to suspension or revocation of the involved permit pursuant to section 7.140 as well as judicial proceedings as noted in section 7.175.

(2) Violation of any provision of section 7.155 is punishable upon conviction by a fine of not more than \$500 or by imprisonment not to exceed six months, or both.

ALARM SYSTEMS

7.200 Purpose and Scope.

(1) The purpose of sections 7.200 to 7.250 is to protect the emergency services of the city from misuse.

(2) Sections 7.200 to 7.250 govern emergency alarm systems, require permits, establish fees, provide for allocation of revenues and deficits, provide for revocation of permits, provide for punishment of violations and establish a system of administration.

7.205 Definitions. As used in sections 7.200 to 7.250, the following words and phrases shall have the meanings given to them in this section:

Alarm business. The business by any individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or

installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility.

Alarm center. Any location, other than the communications center where alarms are received from sites within the city and from which emergency response is requested.

Alarm system. Any assembly of equipment, mechanical or electrical, arranged to signal the occurrence of an emergency requiring urgent attention and to which public, fire, or emergency medical personnel are expected to respond.

Alarm user. The person, firm, partnership, association, corporation, company or organization of any kind in control of any building, structure or facility wherein an alarm system is maintained.

Automatic dialing device. A device which is interconnected to a telephone line and is programmed to select a predetermined telephone number and transmit by voice message or code signal an emergency message indicating a need for emergency response.

Burglary alarm system. An alarm system signaling an entry or attempted entry into the area protected by the system.

Chief of police. Director of police services for the city or his designated representative.

Communications center. The city facility used to receive emergency and general information from the public to be dispatched to city emergency services.

Coordinator. The individuals designated by the chief of police to issue permits and enforce the provisions of sections 7.200 to 7.250.

Emergency medical alarm system. A system to indicate a health emergency within an area protected by the system.

False alarm. An alarm signal or request eliciting a response by emergency personnel when a situation requiring a response by emergency personnel does not in fact exist, but does not include an alarm signal caused by violent conditions of nature or other extraordinary events not reasonably

subject to control by the alarm business operator or alarm user.

Fire alarm system. An alarm system signaling temperature, humidity, smoke, or other evidences of fire within an area protected by the system.

Interconnect. To connect an alarm system including an automatic dialing device to a telephone line, either directly or through a mechanical device that utilizes a telephone, for the purpose of using the telephone line to transmit a message upon the activation of the alarm system.

Primary trunk line. A telephone line servicing the city communication center that is designated to receive emergency calls.

Robbery alarm system. An alarm system signaling a robbery or attempted robbery.

7.210 Alarm User's Permit Required.

(1) Every alarm user shall obtain an alarm user's permit for each system from the coordinator's office upon the effective date of the ordinance codified in sections 7.200 to 7.250 or prior to use of an alarm system. Users of systems using robbery, burglary, fire, and emergency medical alarm capabilities shall obtain separate permits for each function. Application for each of said alarm user's permit and a fee for each shall be filed with the coordinator's office each year. Each permit shall bear the signature of the chief of police and be for a one-year period. The permit shall be physically upon the premises using the alarm system and shall be available for inspection by the chief of police or his authorized designee. The fee for an emergency alarm users permit shall be set by resolution of the council.

(2) A revoked user's permit shall be obtained from the coordinator's office by filing an application and paying a fee set by resolution of the council.

(3) Each permit shall bear the signature of the chief of police and shall bear the same expiration date as the revoked permit. The permit shall be physically upon the premises using the alarm system and shall be available for inspection by the chief of police or his designated representative.

(4) If a residential alarm user is over the age of 65 and is the primary resident of the residence and if no business is conducted in the residence, an initial user's permit may be obtained from the coordinator's office according to subsection (1) of this section without the payment of a fee. Revoked user's permits shall require the fee set forth in sections 7.200 to 7.250.

(5) In addition to the fee provided in subsection (1) an additional fee set by council resolution will be imposed on a user who fails to obtain a permit within 60 days after the effective date of the ordinance codified in sections 7.200 to 7.250, or who is more than sixty days delinquent in renewing a permit.

(6) 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 subject to sections 7.200 to 7.250 and may be issued a special alarm user's permit.

(7) An alarm user which is a governmental political unit shall be subject to sections 7.200 to 7.250, but a permit shall be issued without payment of a fee.

7.215 User Instructions.

(1) Every alarm business selling, leasing or furnishing to any user an alarm system which is installed on premises located in the area subject to sections 7.200 to 7.250 shall furnish the user with instructions that provide information to enable the user to operate the alarm system properly and to obtain service for the alarm system at any time.

(2) Standard form instructions shall be submitted by every alarm business to the chief of police within 60 days after the effective date of the ordinance codified in sections 7.200 to 7.250. If he reasonably finds such instructions to be incomplete, unclear or inadequate, he may require the alarm business to revise the instructions to comply with this section and then to distribute the revised instructions to its alarm users.

7.220 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; and it is unlawful for an alarm user to fail to disconnect or reprogram an automatic dialing device which is programmed to select a primary trunk line within twelve hours of receipt of written notice from the coordinator that it is so programmed.

(2) Within 60 days after the effective date of the ordinance codified in sections 7.200 to 7.250, all existing automatic dialing devices programmed to select a primary trunk line shall be reprogrammed or disconnected.

(3) It is unlawful for any person to program an automatic dialing device to select any telephone line assigned to the city; and it is unlawful for an alarm user to fail to disconnect or reprogram such device within twelve hours of receipt of written notice from the coordinator that an automatic dialing device is so programmed.

7.225 False Alarms--Permit Revocation.

(1) Any alarm system which has ten or more false alarms within a permit year shall be subject to permit revocation as provided herein.

(2) If the communications center records ten or more false alarms within a permit year for any alarm system:

(a) The chief of police shall notify the alarm user and the alarm business providing service or inspection to the user by certified mail of such fact and direct that the user submit a report to the chief of police within ten days of receipt of the notice describing actions taken or to be taken to discover and eliminate the cause of the false alarms.

(b) If the alarm user submits a report as directed, the chief of police shall determine if the actions taken or to be taken will prevent the occurrence of false alarms; if he determines that the action will prevent the occurrence of false alarms, he shall notify the alarm user and the

relevant alarm business in writing that the permit will not be revoked at that time and that if one more false alarm occurs within the permit year, the permit will be summarily revoked.

(c) If no report is submitted, or if the chief of police determines that the actions taken or to be taken will not prevent the occurrence of false alarms, the chief of police shall give notice by certified mail to the user that the permit will be revoked without further notice on the tenth day after the date of the notice if the user does not file within that period a written request for a hearing.

(d) If a hearing is requested, written notice of the time and place of the hearing shall be served on the user by the chief of police by certified mail at least ten days prior to the date set for the hearing, which date shall not be more than 21 nor less than ten days after the filing of the request for hearing.

(e) The hearing shall be before the city council, and the chief of police and the alarm user shall have the right to present written and oral evidence, subject to the right of cross-examination. If the council determines that ten or more false alarms have occurred in a permit year, and that the user has not taken actions which will prevent the occurrence of false alarms, the council shall issue written findings to that effect and may issue an order revoking the user's permit.

(f) An alarm user whose permit has been revoked may apply for a revoked user's permit as provided in section 7.210(2). The chief of police shall not be required to issue a revoked user's permit, unless he is satisfied that the user's system has been properly serviced and its deficiencies corrected. The chief of police may impose reasonable restrictions and conditions upon the user, before issuing a revoked user's permit, which restrictions and condi-

tions shall be written on the permit and shall provide for summary revocation on the occurrence of ten false alarms in the permit year.

(g) In situations permitting summary revocation under subsections (b) and (f) of this section, revocations shall be effective on the fifth day following the mailing by certified mail by the chief of police of a notice of revocation. There shall be no appeal of a summary revocation.

7.230 False Alarm--Fee.

(1) The special alarm user permit shall be as defined in section 7.210(6), and shall be subject to the following regulations:

(a) Special alarm permits shall not be subject to revocation due to false alarms.

(b) For each false alarm over five in a permit year, upon written demand thereof by the chief of police, the holder of a special user's permit shall pay a fee in an amount set by council resolution.

(2) The governmental political unit shall be as defined in section 7.210(7), and shall be subject to the following regulations:

(a) Shall not be subject to revocation due to false alarms.

(b) For each false alarm over five in a permit year, for each location, and upon written demand thereof by the chief of police, the holder of the alarm user's permit shall pay a fee in an amount set by council resolution.

(3) All other alarm permits shall, for each false alarm over five in a permit year, for each location, and upon written demand by the chief of police, pay a fee in an amount set by council resolution.

(4) The payment of any fee provided for in this section shall not be deemed to extend the term alarms of the permit.

(5) Nonpermit user's false alarms shall be subject to the following regulations:

(a) Alarm requests from alarm centers, as defined in section 7.205, shall be subject to false alarm fees.

(b) For each false alarm request over five in a calendar year, for each location, and upon written demand thereof by the chief of police, the resident, tenant, or owner shall pay a fee in an amount set by council resolution.

7.235 Confidentiality Statistics.

(1) All information submitted in compliance with sections 7.200 to 7.250 shall be held in the strictest confidence and shall be deemed a public record exempt from disclosure pursuant to state statute; and any violation of confidentiality shall be deemed a violation of sections 7.200 to 7.250. The coordinator shall be charged with the sole responsibility for the maintenance of all records of any kind whatsoever under sections 7.200 to 7.250.

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

7.240 Allocation of Revenues and Expenses. All fees, fines and forfeitures of bail collected pursuant to sections 7.200 to 7.250 shall be general fund revenue of the city.

7.245 City Liability. The city shall incur no liability or costs as a result of personnel or system malfunctions of private alarm systems or the installation or maintenance of said systems.

7.250 Enforcement.

(1) Enforcement of sections 7.200 to 7.250 may be by civil action as provided in ORS 30.315.

(2) Violation of sections 7.200 to 7.250 shall be punished upon a conviction as set out in sections 1.205 to 1.260 of this code.

(3) The failure or omission to comply with provision of sections 7.200 to 7.250, shall be deemed a violation and may be so prosecuted, subject to the penalty provided in subsection (2) of this section.

**HANDGUN PURCHASE
BACKGROUND INVESTIGATION FEE**

7.275 Processing Fee. A processing fee shall be charged for each handgun purchaser background investigation performed pursuant to ORS 166.420(3)(a). The fee shall be submitted to the police department with the background inspection request by the dealer. Failure to submit the proper fee with the request shall be grounds for rejection of the application.

7.280 Fee Classification. The city council finds that the processing fee authorized by section 7.275 is not a tax subject to the property tax limitations of Article XI, Section 11B, of the Oregon Constitution.

7.285 Penalty. Failure to remit the processing fee for any background investigation shall be punishable by a fine not to exceed \$100 per occurrence.

**REGULATING DOOR-TO-DOOR
SOLICITATIONS**

7.300 Purpose.

The City Council finds it necessary and desirable to regulate solicitation in order to provide an effective opportunity for the occupants of residential property to protect themselves from the unwanted disruption of the peaceful and quiet enjoyment of their property and right to privacy caused by solicitors, and to provide a means by which those solicitors who choose to intrude upon and disrupt that quiet enjoyment of property can be held accountable for such violations.

[Section 7.300 amended by Ordinance No. 1494, adopted March 19, 2003.]

7.305 Definition. For the purposes of sections 7.300 to 7.340, the terms "solicit" and "solicitation" shall mean the entry onto real property used for residential purposes by a person for the purpose of communicating with an occupant of the property, whether the communication is verbal, visual or in writing.