

(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.

7.310 Prohibited Acts, Penalties.

- (1) It is unlawful for any person to:
 - (a) Solicit before 9:00 a.m. or after 9:00 p.m., local time, without the consent of the occupant to do so;
 - (b) Allow, suffer or permit any person soliciting on their behalf or under their direction to commit any act prohibited by this section;
 - (c) Leave written materials upon real property where a sign conforming to the requirements of Section 7.335 is posted, without the consent of the occupant to do so;
 - (d) Solicit upon real property where a sign conforming to the requirements of Section 7.335 is posted;

(2) Violation of this section is punishable as a Class A civil infraction.

[Section 7.310 amended by Ordinance No. 1494, adopted March 19, 2003.]

7.315 Consent to Enter Onto Real Property, Exemption.

(1) It shall be an affirmative defense to an alleged violation of section 7.310 that the person charged with the violation or crime had received actual or constructive consent of the occupant prior to entering the real property. Constructive consent to enter real property may be implied from the circumstances of each instance, the relationship of the parties and actual or implied contractual relationships.

(2) The occupant of real property shall be considered to have given constructive consent to enter real property for the purpose of solicitation between the hours of 9:00 a.m. and 9:00 p.m., local time, if they have not posted a "No Solicitation" sign, pursuant to section 7.335.

(3) Nothing in this section shall be construed to authorize the entry into a structure located on real property. The right to enter any structure must be otherwise provided for by law.

(4) Officers, employees or agents of a governmental entity while performing activities within the scope of their office, employ-

ment or agency are exempt from the requirements of sections 7.300 to 7.340.

7.335 No Solicitation Sign.

(1) If an occupant of real property chooses to prohibit solicitors from entering onto the property, the occupant may post a "No Solicitation" sign pursuant to this section. The effect of the posting of such a sign is to express the refusal of the occupant to grant consent to any person to enter their real property to solicit, except to those persons exempt from these provisions by subsection (4) of section 7.315.

(2) Signs posted pursuant to this section shall be posted on or near the boundaries of the property at the normal points of entry, and

(a) Signs must be no smaller than six inches in height by eight inches in width; and

(b) Signs must contain the words "No Solicitation" and the reference "Sections 7.300 to 7.340 West Linn Municipal Code" in characters no less than one-half inches in height.

(3) For real property possessing no apparent barriers to entry at the boundaries of the property which limit access to the primary entrance of a structure located on the property, placement of the sign at the primary entrance to the structure constitutes compliance with this section. If the No Solicitation sign is placed at the primary entrance to the structure, it shall not be a violation to enter the property to approach the primary entrance, provided that the person entering does not seek to gain entry to the structure or communicate with someone inside the structure.

[Section 7.335 amended by Ordinance No. 1494, adopted March 19, 2003.]

[Note: Under "Regulating Door-to-Door Solicitations" the following sections were repealed by Ordinance No. 1494, adopted March 19, 2003: Section 7.320 - Registration Statement; Section 7.325 - Issuance of Certificate of Registration, Revocation; Section 7.330 - Form of Certificate of Registration, Term; and Section 7.340 - Evidentiary Matters.]

SOCIAL GAMING