

CITY/TOWN OF _____, NORTH CAROLINA

ALARM ORDINANCE

The City/Town/ Council/Board of Commissioners finds that excessive false alarms unduly burden the City/Town Police Department's limited law enforcement resources. The purpose of this ordinance is to establish reasonable expectations for alarm users and to ensure that alarm users are held responsible for their use of alarm systems.

SECTION 1: DEFINITIONS

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Alarm administrator means a person or persons designated by the City/ Town to administer the provisions of this ordinance.

Alarm company means a person, company, firm, or corporation engaged in selling, leasing, installing, servicing or monitoring alarm systems and which is licensed by the North Carolina Alarm Systems Licensing Board.

Alarm permit means a permit issued to an alarm user by the City/Town allowing the operation of an alarm system within the City/Town.

Alarm signal means a detectable signal, audible or visual, generated by an alarm system to which law enforcement is requested to respond.

Alarm system means any single device or assembly of equipment designed to signal the occurrence of an illegal or unauthorized entry or other activity to which law enforcement is requested to respond, but does not include motor vehicle or boat alarms, fire alarms, domestic violence alarms, or alarms designed to elicit a medical response.

Alarm user means any person, corporation, partnership, proprietorship, governmental or educational entity or any other entity owning, leasing, or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

Alarm User Awareness Class means a class conducted to educate alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

Automatic dial protection device means an automatic dialing device or an automatic telephone dialing alarm system which, upon being activated, automatically initiates to the (City/Town) Police Department a recorded message or code signal indicating a need for law enforcement response.

Cancellation means termination of response by the Police Department when the alarm company notifies the Police Department that there is not an existing situation at the

alarm site requiring police response after an alarm dispatch request. If cancellation occurs prior to police arriving at the scene, this is not a false alarm and no penalty will be assessed.

False alarm means the activation of an alarm system when, upon inspection by the Police Department, there is no evidence of unauthorized entry, robbery, or other such crime attempted in or on the premises which would have activated a properly functioning alarm system. Notwithstanding the foregoing, a false alarm does not include an alarm which can reasonably be determined to have been caused or activated by unusually violent conditions of nature.

Local alarm means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and is not monitored by a remote monitoring facility, whether installed by an alarm company or user.

Permit year means a 12-month period beginning on the day and month on which an alarm permit is issued.

Police Department means the Police Department of the City/Town.

Runaway alarm means an alarm system that produces repeated alarm signals that do not appear to be caused by separate human action. The Police Department may in its discretion discontinue police responses to alarm signals from what appears to be a runaway alarm.

Verify means an attempt by the alarm system monitoring company to contact the alarm site and/or alarm user by telephone and/or other electronic means, regardless of whether actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement response. A second call shall be made to an alternate number provided by the alarm user if the first attempt fails.

SECTION 2: ALARM PERMIT

(a) **Permit required.** No person shall use an alarm system without first obtaining a permit from the City/Town. A fee may be required for the initial permit and annual renewals. Each permit shall be assigned a unique permit number, and the alarm user shall provide the permit number to the alarm company to facilitate law enforcement dispatch.

(b) **Application.** In obtaining a permit, the alarm user certifies that such permit constitutes a request and authorization to the alarm company that the alarm company provide the services set forth in Section 4: Duties of the Alarm Company.

(c) **Transfer of possession.** When the possession of the premises at which an alarm system is maintained is transferred, the person obtaining possession of the property shall file an application for an alarm permit within 30 days of obtaining possession of the property. Alarm permits are not transferable.

(d) **Reporting updated information.** Whenever the information provided on the alarm permit application changes, the alarm user shall provide correct information to the City/Town within 30 days of the change. In addition, each year after the issuance of the permit, permit holders will receive a form requesting updated information. The permit holder shall complete and return this form along with the annual permit fee to the City/Town regardless of whether any of the information has changed. Failure to comply will constitute a violation and may result in a civil penalty.

(e) **Multiple alarm systems.** If an alarm user has one or more alarm systems protecting two or more separate premises having different addresses and/or tenants, a separate permit shall be required for each premise and/or tenant.

SECTION 3: DUTIES OF THE ALARM USER

An alarm user shall:

- (a) Maintain the premises and the alarm system in a manner that will reduce or eliminate false alarms; and
- (b) Provide the alarm company the alarm permit number, (the number must be provided to the law enforcement communications center by the alarm company to facilitate dispatch).
- (c) Respond or cause a representative to respond to the alarm system's location within a reasonable time when notified by the City/Town Police Department.
- (d) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.
- (e) Obtain a new permit and pay any associated fees if there is a change in address or ownership of the location of the alarm system.
- (f) Comply with the requirement for annual renewal and updated information of their assigned permit(s).

SECTION 4: DUTIES OF THE ALARM COMPANY

An alarm company operating within the City/Town shall register with the City/Town and supply information regarding its license. Such registration shall constitute acknowledgement by the alarm company that the issuance of a permit to an alarm user constitutes the alarm user's request and authorization that the alarm company:

- 1) Obtain and maintain the required City/Town and North Carolina Alarm Systems Licensing Board licenses.
- 2) Is continuously capable of providing name, address, and telephone number(s) of the alarm user or a designee, who can be called in an emergency at any time and capable of responding to an alarm call, when notified, within a reasonable time.
- 3) Prior to activation of the alarm system, provide instructions explaining the proper operation of the alarm system to the alarm user.
- 4) Provide written information of how to obtain service from the alarm company for the alarm system.
- 5) Attempt to verify, by calling the alarm site and/or alarm user by telephone to determine whether an alarm signal is valid before requesting law enforcement response. Telephone verification shall require as a minimum that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, EXCEPT in the case of a panic or robbery-in-progress alarm, or in cases where a crime-in-progress has been verified by video and/or audible means.
- 6) Provide alarm user registration number to the law enforcement communication center to facilitate dispatch and/or cancellations.
- 7) Communicate any available information about the location of the alarm.
- 8) Communicate a cancellation to the law enforcement communications center as soon as possible following a determination that response is unnecessary.

SECTION 5: PROHIBITED ACTS

- (a) It shall be unlawful to activate an alarm system to summon law enforcement when no crime is being committed or attempted on the premises, or otherwise to cause a false alarm.
- (b) It shall be unlawful to install, maintain, or use a local alarm system which is audible from the exterior of a structure for more than 15 minutes.
- (c) It shall be unlawful to install, maintain, or use an automatic dial protection device that reports, or causes to be reported, any recorded message to the Police Department.
- (d) It is hereby found and determined that the occurrence of three or more false alarms within a permit year is excessive, constitutes a public nuisance, and unlawful. The alarm user shall be responsible for compliance with this section.

SECTION 6: ENFORCEMENT OF PROVISIONS

- (a) **Civil Penalties.** Violations of any of the provisions of this ordinance will be enforced through the assessment of civil penalties established by the City/Town.
- (b) **Payment of Civil Penalties.** Civil penalties shall be paid within (30) days from the date of the invoice.
- (c) **Discontinuance of law enforcement response.** Failure of an alarm user to make payment of any civil penalty assessed within 30 days from the date of the invoice may result in discontinuance of law enforcement response to alarm signals that may occur at the premises described in the alarm user's permit until payment is received.
- (d) **Civil noncriminal violation.** A violation of this ordinance shall be a civil violation and shall not constitute a misdemeanor or infraction,

SECTION 7: ALARM USER AWARENESS CLASS.

The City/Town may create an Alarm User Awareness Class and may request the assistance of the area alarm companies in developing and implementing the class. The class shall inform alarm users of the problems created by false alarms and instruct alarm users how to help reduce false alarms. The City/Town may grant the option of attending a class in lieu of paying one assessed penalty.

SECTION 8: APPEALS

- (a) Assessments of civil penalties and other enforcement decisions made under this ordinance may be appealed by filing a written notice of appeal with the Police Department within 10 days after the date of notification of the assessment of civil penalty or other enforcement decision. The failure to give notice of appeal as required shall constitute a waiver of the right to contest the assessment of penalty or other enforcement decision. Appeals shall be heard through an administrative process established by the City/Town.

(b) The hearing officer shall review an appeal from the assessment of civil penalty or other enforcement decisions and shall render a decision based on available information and evidence. The hearing officer shall have the discretion to dismiss or reduce civil penalties or reverse any other enforcement decision where warranted.

SECTION 9: CONFIDENTIALITY

The City/Town acknowledges that certain information obtained or compiled in registration of alarm systems may be exempt from public records disclosure requirements. In the interests of public safety, for the protection of sensitive security information or the protection of criminal intelligence information, all information compiled by the City/Town pursuant to this ordinance shall be held in confidence by all employees and/or representatives and agents of the City/Town, except as otherwise required by law or by order of a court of competent jurisdiction.

SECTION 10: GOVERNMENTAL IMMUNITY

Alarm permit issuance or alarm company registration does not create a contract, duty or obligation, either expressed or implied, of law enforcement response to an alarm or alarm notification. Any liability and consequential damage resulting from the failure to respond to an alarm notification are hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm permit, the alarm user acknowledges that the Police Department 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.

SECTION 11: SEVERABILITY

The provisions of this ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

This ordinance shall be effective on _____, 20_____

NOTE: Alarm permit fees and a schedule of civil penalties for violation of this ordinance should be adopted separately by the governing body. It can impose different penalties for violations of different sections of the ordinance such as failure of obtain or renew alarm permit, excessive false alarms, or other requirements or prohibitions.

This model ordinance should be thoroughly reviewed by the City/Town and its legal counsel prior to adoption, and tailored to the needs of each municipality.