

FRANKLIN COUNTY
FALSE ALARM ORDINANCE

Adopted August 3, 2015
Effective January 2, 2016

AN ORDINANCE TO REGULATE FALSE ALARMS

WHEREAS, the Franklin County Board of Commissioners finds that excessive false alarms unduly burden the County's public safety resources; and

WHEREAS, the Franklin County Board of Commissioners desires to reduce the number of false alarms and enhance valuable public safety resources by establishing clear standards for the use of alarms, and clear disincentives for the negligent and inappropriate use of alarms. To that end, several of the purposes of this ordinance are to establish reasonable expectations of alarm users and to ensure that alarm users are held responsible for their use of alarm systems.

NOW, THEREFORE, BE IT ORDAINED by the Franklin County Board of Commissioners

Section 1 – PURPOSE

- A. The purpose of this chapter is to encourage alarm users to properly use and maintain the operational effectiveness and proper utilization of alarm systems and to reduce or eliminate false alarms which may unduly divert public safety resources.
- B. This chapter governs systems intended to summon a public safety response, requires registration, establishes fees, provides for penalties for violations, establishes a system of administration, and sets conditions for suspension of police response or revocation of registration.

Section 2 - DEFINITIONS

- A. **Alarm** – means any electronic or mechanical device which emits any signal, whether electronic, audible, silent or recorded, and which is designed, used, or intended for the detection of an unauthorized intrusion or attempted intrusion into a building, structure or premises to signal an actual or attempted robbery; or for the detection of fire or smoke; detect low water pressure; or initiate a response for medical assistance.
- B. **Alarm administrator** – means a person or persons designated by the County of Franklin to administer, control and review false alarm reduction efforts for the County.
- C. **Alarm agent** – means any person who is employed by an alarm company either directly or indirectly, whose duties include any of the following: selling, maintaining, testing, servicing, repairing, altering, replacing, moving, or installing in any building, structure, or facility any alarm system, excluding any person who installs an alarm system in a home wherein that person personally resides.
- D. **Alarm company** – means the business, by an individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring an alarm system in an alarm site. Notwithstanding the foregoing, the term "alarm company" shall not mean a landlord leasing alarm sites to tenants. All alarm companies operating within the jurisdiction of the County of

Franklin shall hold a current alarm systems business license issued by the North Carolina Alarm Systems Licensing Board.

- E. **Alarm dispatch request** – means a notification to a law enforcement agency or public safety agency that an alarm, either manual or automatic has been activated at a particular alarm site.
- F. **Alarm Permit** – means a permit issued by the County of Franklin allowing the operation of an Alarm System by a specified Alarm user and at a specified location within the County of Franklin.
- G. **Alarm site** – means a single fixed premises or location served by an alarm system or systems. Each tenancy, if served by a separate alarm system in a multi-tenant building or complex shall be considered a separate alarm site.
- H. **Alarm system** – means any assembly of equipment, mechanical or electrical, device or series of devices, including, but not limited to, systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to discourage crime and summon a public safety. Alarm system does not include: (1) an alarm installed on a vehicle or person unless the vehicle or personal alarm is permanently located at a site, and (2) an alarm designed to alert only the inhabitants of a premises that does not have a sounding device which can be heard from the exterior of the alarm site.
- I. **Alarm user** – means any person, firm, partnership, corporation or other entity who (which) uses or is in control of any alarm system at its alarm site. In the case of a tenancy, the tenant shall be considered the sole alarm user at the alarm site.
- J. **Automatic Dialing Device** – means an alarm system which automatically sends, via telephone, a prerecorded voice message or coded signal indicating the existence of an emergency situation.
- K. **Cancellation** – means the process by which an alarm company providing monitoring verifies with the alarm user or responsible party that a false dispatch has occurred and that there is not an existing situation at the alarm site requiring law enforcement or public safety agency response.
- L. **Conversion** – means the transaction or process by which one alarm company begins monitoring of a previously unmonitored alarm system or an alarm system previously monitored by another alarm company.
- M. **Duress alarm** – means a silent alarm system signal generated by the manual activation of a device intended to signal a life threatening situation or a crime in progress requiring law enforcement response.
- N. **False alarm** – means an alarm dispatch request to a law enforcement agency/public safety agency, or an alarm signal eliciting a public safety response, when a situation requiring an immediate response does not in fact exist and the responding officer/agent finds no evidence of a criminal offense or attempted criminal offense, medical emergency or fire after having completed a timely investigation of the alarm site. False alarms include, but are not limited to:

- i. Error or mistake: Any action by any person, firm or corporation, association, or other entity or agency thereof, owning or operating any dwelling, building or place, which results in the activation of any alarm system when no emergency exists.
 - ii. Malfunction: Any activation of any alarm system caused by a flaw in the normal operation, design, installation, or maintenance of the system, by faulty equipment, or by a change in the environment or premises upon, or within which, the alarm system is operating.
 - iii. Intentional misuse: Any activation of an alarm system when one knows, has reason to know, or should have known no fire or other emergency is in progress.
 - iv. Failure to respond: If a key holder does not respond within thirty (30) minutes of the alarm, this failure to respond will be considered a false alarm.
- b. An alarm will not be considered false if it is determined that the alarm was caused by:
 - i. A natural or man-made catastrophe, or other "Act of God" such as tornadoes, floods, earthquakes, or other similarly violent conditions.
 - ii. Vandalism causing physical damage to the property.
 - iii. Attempted entry of a location causing visible, physical, or other evidence of damage to the location which has caused the alarm to sound.
 - iv. Severe weather or failure of electrical power not caused by subscriber.
 - v. The test of a local alarm system by an authorized alarm agent or alarm company employee who is present at the premise inspecting, servicing, repairing, or installing the alarm.
- O. **Holdup alarm** – means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.
- P. **Keypad** – means a device that allows control of an alarm system by the manual entering of a coded sequence of numbers or letters.
- Q. **Law enforcement authority** – means the chief of police, sheriff, or other authorized representative certified as a law enforcement officer and maintaining jurisdiction within the County of Franklin.
- R. **Local alarm system** – means any alarm system that annunciates an alarm only by an internal or external audio device.
- S. **Monitoring** – means the process by which an alarm company receives signals from an alarm system and relays an alarm dispatch request to the appropriate dispatch center for the purpose of summoning a response to the alarm site.
- T. **Panic** – means a silent or audible alarm system signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring a public safety response.

- U. **Person** – means an individual, corporation, partnership, association, organization or similar entity.
- V. **Suspension of Response** – means the termination of a public safety response to alarms at a specified alarm site as a result of false alarms or other violation of this ordinance.
- W. **Takeover** – means the transaction or process by which an alarm user takes over control of an existing alarm system, which was previously controlled by another alarm user.
- X. **Verify** – means an attempt, by the alarm company, or its representative, to contact the alarm site by telephonic or other electronic means, whether or not actual contact with a person is made, before requesting dispatch, in an attempt to avoid an unnecessary alarm dispatch request.
- Y. **Zones** – are subdivisions into which an alarm system is divided to indicate the general location from which an alarm system signal is transmitted.

Section 3 – ALARM PERMIT

- A. No person shall use an alarm system without first obtaining an alarm permit for such alarm system from the County of Franklin. Each alarm permit shall be assigned a unique permit number.
- B. Upon receipt of a completed permit application, the alarm administrator shall register the alarm system unless the applicant has:
 - i. Failed to pay a fine or fee assessed under this ordinance, or
 - ii. Had an alarm permit for the alarm site suspended or revoked, and the violation causing the suspension or revocation has not been corrected.
- C. An alarm permit shall expire one (1) year from the date of issuance, and must be renewed annually by submitting an updated application to the alarm administrator. The alarm administrator shall notify each alarm user of the need to renew thirty (30) days prior to the expiration of the permit. It is the responsibility of the alarm user to submit an application prior to the permit expiration date. Failure to renew will result in a cancellation of the permit and the alarm user will be subject to civil penalties for operating an alarm system without an alarm permit.
- D. Any person(s) operating an alarm system without an alarm permit (whether the permit was revoked or not acquired) shall be subject to a civil penalty for violation of this ordinance of \$100.00 per alarm call while the alarm system is without a permit.
- E. The alarm permit shall be requested on an application form provided by the County of Franklin. An alarm user has the duty to obtain an application from the county.
- F. When the possession of an alarm site is transferred, by sale, lease or any other method, the person (the new alarm user) obtaining possession of the property shall file a new application for an alarm permit within thirty (30) days of obtaining possession of the alarm site. Alarm permits are not transferable.

- G. Whenever the information provided on the alarm permit application changes, the alarm user shall provide correct information to the county of Franklin within ten (10) business days of the change.
- H. If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses and/or tenants, a separate alarm permit shall be required for each structure and/or tenant.
- I. Alarms in use at the time of adoption shall be registered and permitted within six (6) months. During this period, no person shall be fined for operation of an alarm system without a permit without first being given a written warning specifying steps necessary to register the alarm, receive a permit and otherwise comply with the requirements of this ordinance. If the alarm user registers the alarm and applies for a permit within fifteen (15) business days of receipt of the warning, then no penalties, shall be assessed based upon the specific incident resulting in the warning, nor shall that specific incident be included when determining fees for any future false alarms. Should the alarm user fail to register the alarm and apply for a permit within the fifteen (15) day grace period, then the penalty for operating an alarm without a permit shall be assessed in accordance with this ordinance and shall be in addition to any other applicable penalties resulting from the incident that gave rise to the written warning. In no case shall any alarm user receive more than one warning and opportunity to comply regardless of whether the use of any unpermitted alarm occurs at the same or at a different location owned, operated or otherwise controlled by that alarm user.

Section 4 – DUTIES OF THE ALARM USER

An alarm user shall:

- A. Maintain the premises and the alarm system in a manner that will minimize or eliminate false alarms, and
- B. Make every reasonable effort to respond or cause a representative to respond to the alarm system's location within thirty (30) minutes when notified to deactivate a malfunctioning alarm system, to provide access to the premises, or to provide alternative security for the premises, and
- C. Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.
- D. An alarm user shall have their alarm company inspect the alarm system after three (3) false alarms within a one (1) year period. The alarm administrator may waive an inspection requirement if it determines that a false alarm(s) could not have been related to a defect or malfunction in the alarm system. After five (5) false alarms within a one (1) year period the alarm user must have a licensed alarm company modify the alarm system to be more false alarm resistant or provide additional user training as appropriate.
- E. An alarm user shall maintain at each alarm site, a set of written operating instructions for each alarm system.

- F. The alarm user shall review the customer false alarm prevention checklist provided by the alarm administrator or an equivalent checklist approved by the alarm administrator.
- G. An alarm user who is having an alarm system monitored shall:
 - i. Receive training from the alarm company on the proper use of the alarm system prior to the alarm user authorizing the alarm company to begin alarm dispatch requests on activations and insure that training is provided to all of the alarm users;
 - ii. Confirm with the alarm company and/or monitoring company that the telephone numbers designated by the alarm administrator are being used by the alarm company and/or monitoring company;
 - iii. Direct the alarm company and/or monitoring company to verify every alarm signal, except a duress and holdup alarm activation, before requesting a public safety response to an alarm system signal;
 - iv. Communicate with the alarm company and/or monitoring company to assure that the alarm dispatch requests are being provided in a manner and form determined by the alarm administrator;
 - v. Communicate with the alarm company and/or monitoring company to assure that cancellations are in a manner and form determined by the alarm administrator;
 - vi. Shall be adequately trained as to the proper use of the duress or holdup alarm if so equipped.

Section 5 – DUTIES OF THE ALARM ADMINISTRATOR

The alarm administrator shall:

- A. Designate a manner, form and telephone numbers for the communication of alarm dispatch requests;
- B. Establish a procedure to accept cancellation of alarm dispatch requests;
- C. Maintain proper billing and collection records; and
- D. Maintain reports on the number of false alarms and review same to determine program effectiveness.
- E. The alarm administrator shall establish a procedure to record such information on alarm dispatch requests necessary to permit the alarm administrator to maintain records, including, but not limited to, the following information. This information may be relayed by the responding officer at the time of clearance to dispatchers, who will then record said information on the call record.
 - i. Identification of the alarm site;
 - ii. Date and time alarm dispatch request was received;
 - iii. Date and time of arrival at the alarm site;
 - iv. Zone description if available;

- v. Name of alarm user's representative on premises, if any;
 - vi. Identification of the responsible alarm company;
 - vii. Whether unable to locate the address, and/or ;
 - viii. Cause of alarm, if known;
 - ix. Identification of the responding officer/agent;
 - x. Identification of the alarm user/account holder;
- F. The alarm administrator shall establish a procedure for the notification to the alarm user of a false alarm. Options include, but are not limited to, the responding officer/agent leaving a notice at the alarm site. The notice shall include the following information:
- i. The date and time of response to the false alarm;
 - ii. The identification number of the responding law enforcement officer or public safety agent, and;
 - iii. A statement urging the alarm user to ensure that the alarm system is properly operated, inspected, and serviced in order to avoid false alarms and resulting fines.
- G. If there is reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation and suppresses false alarms, the alarm administrator may require a conference with an alarm user to review the circumstances of each false alarm.
- H. The alarm administrator shall request from the North Carolina Alarm Systems Licensing Board a complete database of all alarm companies licensed in North Carolina and will request updates as necessary.

Section 6 – FINES

- A. An alarm user shall be subject to fines, warnings and suspension depending on the number of false alarms emitted from an alarm system within a twelve (12) month period based upon the following schedule:

Business		Residential	
up to 2	None	up to 2	None
3 to 4	\$100	3 to 4	\$50
5 to 6	\$200	5 to 6	\$100
7 or more	\$500	7 or more	\$250

- B. Payments must be received within thirty (30) days or a twenty-five dollar (\$25.00) late fee will be added to the account.

- C. Failure to pay civil penalties within sixty (60) days may result in the suspension of law enforcement response to the alarm user because of an alarm activation.

Section 7 – NOTIFICATION

The alarm administrator shall have the alarm user notified in writing after the first and each subsequent false alarm. The notification shall include:

- A. The amount of the fines for each false alarm,
- B. The fact that response may be suspended after the seventh false alarm, and
- C. A description of the appeal procedure available to the alarm user.
- D. The alarm administrator will have the alarm user notified that law enforcement response may be suspended if fines are not paid within sixty (60) days.

Section 8 – SUSPENSION OF RESPONSE

- A. The alarm administrator may suspend law enforcement response to an alarm site by revoking the alarm permit if it is determined that:
 - i. The alarm user has 7 or more False Alarms in a twelve (12) month period;
 - ii. There is a statement of a material fact known to be false in the application for a registration;
 - iii. The alarm user has failed to make timely payment of a fine or fee assessed by this ordinance;
 - iv. The alarm user has failed to submit a written certification from an alarm company, that complies with the requirements of this ordinance, stating that the alarm system has been inspected and repaired (if necessary) and/or additional training has been conducted by the alarm company.
- B. Unless there is a separate indication that there is a crime in progress, law enforcement will not respond to an alarm dispatch request at an alarm site for which the alarm permit is revoked or suspended.
- C. If the alarm permit is reinstated, the alarm administrator may again suspend law enforcement response to the alarm site by again suspending the alarm permit if it is determined that two (2) false alarms have occurred within fifteen (15) days after the reinstatement date.

Section 9 – APPEALS

- A. An alarm user may appeal the assessment of a fine or suspension of law enforcement response to the alarm administrator. The filing of an appeal with the alarm administrator stays the assessment of the fine or suspension until the alarm administrator makes a final decision.

- B. The alarm user shall file a written appeal and any supporting documentation to the alarm administrator by setting forth the reasons for the appeal within ten (10) business days after receipt of notification of a false alarm. If a request is not made within this time period, the action of the alarm administrator is final.
- C. The alarm administrator may adjust the count of false alarms based on:
 - i. Evidence that a false alarm was caused by an Act of God;
 - ii. Evidence that a false alarm was caused by action of the telephone company;
 - iii. Evidence that a false alarm was caused by a power outage lasting longer than four (4) hours;
 - iv. Evidence that the alarm dispatch request was not a false alarm;
 - v. In determining the number of false alarms, multiple alarms occurring in any twenty-four (24) hour period shall be counted as one false alarm; to allow the alarm user time to take corrective action unless the false alarms are directly caused by the alarm user.

Section 10 – REINSTATEMENT

A person whose alarm has been suspended may have alarm response reinstated by the alarm administrator if the person has abided by the following:

- A. Pays or otherwise resolves all fines; and
- B. Submits a certification stating that the alarm system has been inspected and repaired, if necessary, by the alarm company; and
- C. Certifies that the user is educated about how to use the system correctly.

Section 11 – ENFORCEMENT AND PENALTIES

- A. Any person violating any of the provisions of this chapter shall be subject to the civil penalties set forth. Any violation of this chapter shall be deemed a non-criminal violation and shall not be a misdemeanor or infraction pursuant to G.S. 14-4.
- B. If payment is not received or equitable settlement reached within one hundred eighty (180) days after demand for payment is made, the matter shall be referred to the County Attorney for institution of a civil action in the name of the County in the appropriate division of the general court of justice of Franklin County for recovery of the penalty together with reasonable attorney fees. Any sums recovered shall be used to carry out the purposes and requirements of this chapter.

Section 12 – CONFIDENTIALITY

In the interest of public safety, all information contained in and gathered through this ordinance will be held in confidence by all employees or representatives of the County of Franklin and by any third-party administrator or employees of a third-party administrator with access to such information.

Section 13 – SOVEREIGN IMMUNITY

This ordinance is not intended to, nor shall it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and sovereign immunity as provided by law is retained. By applying for an alarm permit, the alarm user acknowledges that response may be influenced by factors such as: the availability of public safety units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

Section 14 – USE OF FUNDS

- A. Revenue generated by this ordinance shall be deposited into a special fund to be used for the following:
 - i. To help fund the lease, purchase or maintenance of the existing public safety radio system of Franklin County.
 - ii. To help fund any upgrades needed to improve the public safety radio system of Franklin County.
 - iii. To cover any associated administrative costs related to the enforcement of this ordinance.
 - iv. Any other use recommended by the Franklin County Emergency Communications Director and approved by the Franklin County Board of Commissioners.

Section 15 - EFFECTIVE DATE

ADOPTED THIS the 3rd day of August, 2015 and shall take effect on the 2nd day of January, 2016.



Sidney E. Dunston, Chair
Franklin County Board of Commissioners

ATTEST:

Kristen G. King, Clerk to the Board