

CITY OF HIGH POINT

AGENDA ITEM



Title: Amendment – False Alarm Ordinance

From: Kenneth Shultz, Police Chief

Meeting Date: December 5, 2016

Public Hearing: N/A

Advertising Date /

Advertised By: N/A

Attachments: Ordinance Amendment

PURPOSE:

Proposal to Amend the Current False Alarm Ordinance

BACKGROUND:

Our current Ordinance was last updated October 15, 1992. The proposed changes identify procedures to be utilized with our new Alarm Administration Program; adjusts fees to include reducing the initial permit cost from \$15.00 to \$10.00 and then adds the requirement of an annual \$10.00 fee due at renewal time; and addresses penalties and responses for failure to register active alarm systems.

A review of several NC municipalities was conducted and the changes proposed reflect general practices and the fees and fines reflect the averages amounts that were identified. Other changes were made to format and language in order to make the ordinance clearer.

BUDGET IMPACT:

N/A

RECOMMENDATION / ACTION REQUESTED:

Approve/Adopt Ordinance Amendment

**ORDINANCE AMENDING TITLE 5 – PUBLIC SAFETY – CHAPTER 1. LAW
ENFORCEMENT – ARTICLE D. BURGLAR AND ROBBERY ALARMS**

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of High Point that Title 5, Chapter 1, Article D be amended as follows:

ARTICLE D - Burglar and Robbery Alarms

Sec. 5-1-46 – Definitions.

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

(a) *Alarm system* means any electronic or mechanical device which emits any signal (electronic, visible, audible, silent, recorded or otherwise) which is designed, intended or used to detect an unauthorized entry into a building, structure, or premises, or to signal an attempted robbery, burglary or holdup. "Alarm" shall be deemed to include any device which initiates a telephone call and delivers a recorded message to any emergency telephone number assigned to the **911** Communications Center or by which a third party telephones any emergency telephone number and requests enforcement services on the basis of having received an automatic signal from a subscriber of an alarm service.

(b) *Chief of Police* means the Chief of Police of the City of High Point or his designee or agent.

(c) *False alarm* means the activation of an alarm system through mechanical or electronic failure, malfunction, improper installation, or the negligence of the subscriber, his employees or agents, and signals purposely activated to summon police personnel in non-emergency situations unless law enforcement response was cancelled by the alarm user or his agent before police personnel arrive at the alarm location. A false alarm shall not include an alarm which can reasonably be determined to have been activated by adverse weather conditions, a failure in the electrical power to the alarm or other condition beyond the control of the alarm user. In addition, an alarm activated during an alarm system testing procedure shall not be considered a false alarm if the alarm user first notifies and receives permission from the High Point **911** Communications Center to test the system. An alarm is false within the meaning of this article when, upon inspection by the Chief of Police, evidence indicates that no unauthorized entry, robbery, or other such crime was committed or attempted in or on the premises which would have activated a properly functioning alarm system.

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

(e) *Alarm contractor* means any person, corporation, proprietorship, partnership or other organization engaged in the business of selling, leasing, installing, maintaining, and/or monitoring alarm systems installed on the premises of another for the purpose of protection of such premises.

(f) *Alarm Program Administrator* means any person, corporation, proprietorship, partnership or other organization that the City of High point may engage from time to time to administer its false alarm program, collect associated alarm user fees or civil penalties, or perform any task granted to the Chief of Police under Article D of this Title.

(g) *Permit Year* shall mean the one (1) year period beginning on the date when an alarm user registers an alarm system under this ordinance.

Sec. 5-1-47 – Permits and Alarm System Registration.

(a) It shall be unlawful for any alarm user to operate an alarm system within the corporate limits of the city without first obtaining a permit **by registering their alarm system with the Alarm Program Administrator.** No permit will be issued for an alarm system which initiates a telephone call and delivers a recorded message to any emergency telephone number assigned to the communications center or the High Point Police Department. **The application for a permit shall be filed on a form or in a manner provided by the Chief of Police or his designee and administered by the Alarm Program Administrator, who will in turn send a copy of the permit to the office of City of High Point 911 Communications Center. False alarms for unregistered alarm users are subject to an additional \$100 civil penalty per occurrence.**

(b) ~~The application for a permit shall be filed on a form or in a manner provided by the Chief of Police or his designee~~ **and administered by the Alarm Program Administrator,** who will in turn send a copy of the permit to the office of City **of High Point 911 Communications Center.**

(b) At the time of filing the **initial registration and permit** application, an **application** fee as fixed from time to time by the council **of \$10** shall be paid **by the alarm user** to the City of High Point **Alarm Program Administrator** to cover the cost of **registering the alarm system and** issuing and maintaining the permit. Permits in effect on the date of the adoption of this ordinance will remain in effect until the end of the calendar year **Permit Year.** **If an alarm user has one (1) or more alarm systems protecting two (2) or more separate structures having different addresses, a separate permit shall be required for each address.**

(c) Permits shall be renewed **through the Alarm Program Administrator** upon the application of a permit holder at any time ~~between January 1 and January 31~~ **before the end of the alarm user's current Permit Year.** An applicant shall request renewal in a manner provided by the Chief of Police or his designee and state ~~at that time~~ any changes

applicable to his initial application for a permit. Upon application for renewal, the ~~chief of police or his designee~~ **Alarm Program Administrator** shall issue the applicant a renewal permit covering the ~~period of the remainder of the calendar year~~ **new Permit Year**. **There shall be an annual charge of \$10 to renew a valid permit. If the permit has been suspended under this article, the alarm user must file an application for a new permit and pay the application fee.**

(d) No permit shall be issued, reissued after suspension, or renewed if the alarm user owes any civil penalties under this article.

(e) ~~There shall be no charge for renewal of a valid permit. If the permit has been suspended under this article, the alarm user must file an application for a new permit and pay the fee fixed by the council.~~ **No permit will be issued for an alarm system which initiates a telephone call and delivers a recorded message to any emergency telephone number assigned to the 911 Communications Center or the High Point Police Department. Such alarms are not allowed under this ordinance.**

(f) No permit issued under the provisions of this article shall be transferable. 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.

(g) Whenever the information provided on the alarm permit application changes, the alarm user shall provide correct information to the city within 30 days of the change. A violation of this subsection shall subject the alarm user to a civil penalty of \$100.00.

~~(i) ——— If an alarm user has one (1) or more alarm systems protecting two (2) or more separate structures having different addresses, a separate permit shall be required for each address.~~

Sec. 5-1-48 - False alarm—Civil penalties.

(a) *First and second false alarms:* If within any ~~calendar year~~ **Permit Year**, the police department responds to two (2) false alarms at the same premises or location, the ~~chief of police~~ **Alarm Program Administrator** shall send a notice to the alarm user informing him of the false alarm(s) and encouraging the prevention of future false alarms.

(b) *Third and fourth false alarms:* If within any ~~calendar year~~ **Permit Year**, the police department responds to a third or fourth false alarm at the same premises or location, the alarm user shall be subject to a civil penalty of \$50.00, **billed and collected by the Alarm Program Administrator** for any such alarm(s). Provided, after the third false alarm only, the civil penalty may be waived by the Chief of Police or his designee upon written evidence from a person or company licensed by the North Carolina Alarm Systems

Licensing Board certifying that the false alarm was caused by electronic or mechanical malfunction of the alarm system and that the alarm system has been repaired.

(c) *Excessive false alarms:* If within any ~~calendar year~~ **Permit Year**, the police department responds to more than four (4) false alarms at the same premises or location, the alarm user will be subject to the following civil penalties:

Fifth—seventh false alarm: \$100.00

Eighth—ninth false alarm: \$250.00

Tenth and additional false alarm: \$500.00

In addition to civil penalties, if within any ~~calendar year~~ **Permit Year**, the police department responds to more than nine (9) false alarms at the same premises or location, the alarm user's permit shall be suspended. ~~and Law enforcement shall~~ **may** discontinue response to alarm signals that may occur at the premises **of suspended or unregistered alarm users** until such time as the Chief of Police is satisfied that the alarm user has corrected issues which have resulted in false alarms and a new permit has been issued.

(d) Any false alarms occurring within seven (7) days of installation of a new alarm system for which a permit has been issued shall not be considered false alarms for the purposes of the assessment of civil penalties.

(e) *Continuing alarms:* An alarm user or his representative shall reset an alarm when notified by the police department, **Alarm Program Administrator**, or **911** Communications Center that such alarm has been activated. All audible alarms shall be equipped with an automatic reset device that will reset and cease to sound the alarm after no more than 30 minutes of continuous activation. When an alarm activates continuously for a period of 60 minutes from the time an officer initially responded to the alarm due to the failure of the alarm user or his representative to reset the alarm, it shall be deemed a false alarm and each subsequent 60-minute period or portion thereof that the alarm continues to be activated shall be considered a separate false alarm. The alarm user shall be subject to a civil penalty for such continuing alarm at a flat rate of \$10.00 for each false alarm as defined herein, not to exceed \$100.00 for any 24-hour period. The absence of direct notice to the alarm user or his representative of the activation shall not constitute a defense to these fees if the police department or **911** Communications Center is not reasonably able to contact such person due to the failure of the alarm user to conform to the provisions of [section 5-1-51](#) of this article. Nothing in this section shall preclude civil penalties for failing to update permit information under [section 5-1-47\(g\)](#). **Civil penalties imposed under this subsection shall be collected by the Alarm Program Administrator.**

Sec. 5-1-49 - Authority to waive penalty.

The Chief of Police or his designee shall have the authority to waive any penalty charged to an alarm user when such alarm user submits to the Chief of Police or his designee adequate evidence that the alleged false alarm was not actually false as defined in [section 5-1-46\(c\)](#).

Sec. 5-1-50 - Liability for payment of civil penalties.

Notwithstanding any contractual agreement between an alarm contractor and an alarm user, the alarm user shall be liable for payment of any civil penalty due the City of High Point under [section 5-1-48](#).

Any city employee authorized by the Chief of Police may issue to the alarm user a civil penalty citation giving notice of the violation of this article. Each citation issued shall impose upon the alarm user a civil penalty as prescribed by this article which shall be paid to the City of High Point within 30 days of receipt in full satisfaction of the assessed civil penalty. The failure of an alarm user to pay any civil penalty assessed under this article within 90 days from the date of the invoice or citation shall result in the suspension of the permit and discontinuance of police response to alarm signals that may occur at the premises described in the alarm user's permit until payment is received and a new permit issued.

Upon suspension of the permit for any reason, notice to the alarm user will be sent by registered mail or delivered in person and any civil penalties owed by the alarm user under this article may be collected according to Chapter 105A of the North Carolina General Statutes (Setoff Debt Collection Act).

Sec. 5-1-51 - Obligations of alarm contractors and alarm users.

(a) Each alarm user in the city shall post in a conspicuous place on the premises where the alarm system is maintained and shall furnish to the police department **and the Alarm Program Administrator** the name(s) and telephone number(s) of the person(s) currently authorized and able to deactivate the alarm system.

(b) It shall be unlawful for an alarm contractor or alarm user to activate an alarm system without first obtaining a permit from the City of High Point, **registering the alarm system with the Alarm Program Administrator**, and notifying the Chief of Police **and the Alarm Program Administrator** of the name(s) and telephone number(s) of those person(s) authorized and able to deactivate the alarm systems.

(c) It shall be the responsibility of the alarm user to provide an adequate number of responsible persons to permit notification of an activation at any time and to keep this information current.

(d) **Alarm registration and permitting does not create a contract, duty, or obligation, either expressed or implied, of response by the High Point Police Department. By submitting an alarm registration, the alarm user acknowledges that an emergency service response may be influenced by factors such as the availability of emergency units, priority of calls, weather or traffic conditions, emergency situations, staffing, prior response history, and other factors.**

Sec. 5-1-52 - Severability.

In the event that any provision of this article is held by any court of competent jurisdiction to be invalid or unenforceable, such provision shall be a nullity and shall not affect the continuing validity of the remaining provisions.