

Ordinance No.: 07-09

AN ORDINANCE GOVERNING FALSE ALARMS

Pursuant to the authority granted by the Constitution of the State of South Carolina and the General Assembly of the State of South Carolina, be it enacted by the County Council of Lexington County as follows:

Section 1: Purpose

This article is intended to protect the health, safety and welfare of the people of Lexington County by minimizing the misuse of law enforcement, fire, rescue and emergency medical service resources caused by false alarms and telephone alarm devices, thereby allowing these resources to be accessible and available in the event these resources are needed by members of the community.

Section 2: Definitions

Unless it is clear from the context that another meaning is intended, the following words when used in this article shall have the meanings attributed to them by this section:

Alarm businesses means a business for which any individual, partnership, corporation or other entity engaged in selling, leasing, maintaining, servicing, repairing, altering, replacing, moving or installing or monitoring any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, installed or monitored, any alarm system in or on any building, structure or facility either privately or publicly owned.

Alarm monitoring agency means any business as that has the responsibility of monitoring alarm systems.

Alarm systems shall mean a fire or security alarm system.

Alarm system technician means any person who inspects, installs, repairs or performs maintenance on alarm systems.

Automatic telephone dialing device or digital alarm communicator system means an alarm system which automatically sends a prerecorded voice message or coded signal over a regular telephone line by direct connection or otherwise, indicating the existence of the emergency situation that the alarm system is designed to detect.

Disconnection means to deactivate the alarm system so that notification of an activated alarm does not reach the Lexington County Communications Center for the purpose of dispatching a call for service to that activated alarm.

False alarm means the activation of any security or fire alarm system which results in the response of law enforcement or public safety to the alarm location, caused by mechanical or electronic failure, malfunction, and improper installation of the alarm system, the negligence or intentional misuse of the system by the owner or his or her employees, servants, agents or any other activation not caused by forced entry, attempted forced entry or criminal act. An activated alarm is not considered a false alarm if the alarm is activated due to malicious causes beyond the control of the owner, or to acts of God beyond the control of the owner such as lightning strikes or severe weather conditions.

Fire alarm system shall mean any mechanical, electrical or radio-controlled device designed to emit a sound or transmit a signal or message when activated or any such device that emits a sound and transmits a signal or message when activated because of smoke, heat or fire. Without limiting the generality to the foregoing, alarm systems shall be deemed to include audible alarms at the site of the installation of the detection device, proprietor alarms and automatic telephone direct dial devices or digital alarm communicator systems. A single station smoke detector shall not be deemed to be an alarm system under this article.

False Alarm Coordinator means a person or persons designated by the County Administrator and Sheriff of Lexington County, to administer, control and review false alarm reduction efforts and administer the provisions of this ordinance.

Key holder/emergency contact means the person(s) designated in writing by the owner of the alarm system as a holder of keys to the alarm system who is thereby authorized to respond to an activated alarm of the owner.

Law enforcement means the Lexington County Sheriff's Department.

Lessee means any person who has possession of premises of an owner.

Owner means any person who owns the premises in which an alarm system is installed or the person(s) who lease, operate, occupy or manage the premises.

Public safety means the department of public safety which includes fire rescue and emergency medical services.

Security alarm system means any mechanical, electrical or radio-controlled device which is designed to be used for the detection of any unauthorized entry into a building, structure or facility, or for alerting others of the commission of an unlawful act within a building, structure or facility or both, which emits a sound or transmits a signal or message when activated.

Section 3: Duty of owner, occupant, or lessee of premises.

- (a) Newly installed or substantially modified systems shall be allowed to operate for a period of 30 days from the date of installation or modification without penalty for false alarms, provided the sheriff's department and department of public safety are notified of the installation or the modification in advance of same.
- (b) Owners or lessees of existing alarm systems shall have 30 days from installation or modification to comply with the above notice requirements.
- (c) Prior to any testing of any alarm system, the owner or lessees shall notify law enforcement and public safety.
- (d) Owners or lessees of any alarm system shall provide response to the alarm location, when requested, in order to reset or disable the alarm system within thirty minutes of notification. Failure to provide such response shall result in a charge of \$50.00 for each such occurrence. Repeated failure to provide a response shall result in disconnection of the alarm system and no response from either law enforcement or public safety as further provided herein unless such response is otherwise required by law.
- (e) The owner or lessee of every place of business which utilizes an alarm system shall provide, visible from the exterior of such business and adjacent to the main entrance, a minimum of three current working telephone numbers of persons to be notified in case of emergency or in lieu thereof have on file with the alarm monitoring company for the alarm system, three current working telephone numbers of persons to be notified in a case of emergency.
- (f) When any three or more false alarms occur by an alarm system at the same premises in one calendar year, upon written request by the false alarm coordinator, the alarm user or owner shall submit to the false alarm coordinator a letter specifying what corrective action has been taken to prevent future false alarms.

The "alarm and corrective action form" service may be accomplished by posting in First Class Mail to the alarm activation location or hand delivered to the location by a sheriff's deputy or other suitable person.

Section 4: Requirements of alarm monitoring agency.

- (a) All alarm monitoring agencies are required to furnish the responding department with the following information when dispatching or reporting an alarm:
 - (1) Give the name of the monitoring agency;
 - (2) Give the name or identification number of the reporting operator;
 - (3) Give a call back telephone number of the monitoring agency;
 - (4) Give the name of business or homeowner and address of the activated alarm;

- (5) If a call has been made to a keyholder, the keyholder's name and estimated time of arrival; and
- (6) Any other information that may be necessary or required by the individual responding agencies.

(b) It shall be the duty of all alarm businesses to furnish at their expense the most current copy of the Lexington County Alarm Ordinance to their existing customers within 60 days of adoption of ordinance and immediately to all new alarm users upon adoption of this ordinance.

Section 5: Fees charged; alarm malfunctions and false alarms.

(a) *False alarm fee.* No fee shall be assessed for the first two false alarms at the same premises responded to by law enforcement or public safety during each calendar year. Thereafter, the following fees shall be paid by the owner for each false alarm at the same premises during such calendar year:

Number of false alarm	Fee per false alarm
Third	\$ 25.00
Fourth	75.00
Fifth	100.00
Sixth, Seventh, Eighth, and Ninth	150.00
Tenth and above	300.00 each

(b). It is the responsibility of each alarm owner to monitor the occurrences of false alarms on its premises. After the false alarm coordinator has recorded two false alarm occurrences within a calendar for a given alarm user, the false alarm coordinator shall notify the alarm user, in writing, by first class mail or hand delivery, that additional alarm occurrences will result in the imposition of fees in accordance with the above fee schedule. Failure to receive such notification does not waive or nullify any fees. Such fees will be invoiced periodically as determined by the false alarm coordinator.

(c) Should any fee assessed pursuant to this chapter remain unpaid in excess of 90 days from the date the charge is billed, a collection fee in the amount of 35 percent on the outstanding balance shall be assessed and shall be payable by the owner of the premises in addition to the original fee. The owner shall be responsible for any legal fees or costs incurred by the county in enforcement of this chapter.

(d) For the purposes of determining the number of false alarms for the above code sections, only one (1) activation may be counted in a twenty-four hour period.

(e) If cancellation occurs from the alarm monitoring company prior to law enforcement/fire personnel arriving at the scene, this is not False Alarm for the purpose of fees, and no fees will be assessed.

Section 6: Disconnection of alarm system.

(a) Except for premises protected by an alarm system as required by law, the sheriff's department or public safety is authorized to order the disconnection or deactivation of any alarm system by written notice to the owner of the premises wherein an alarm system is installed for any of the following reasons:

- (1) Failure to make all requirements or pay the fees provided for in this chapter within 120 days of the charging of the fees; or
- (2) A false alarm at a premises for which a fee is charged pursuant to this chapter as a result of the failure of the owner to take corrective action to eliminate the cause of the false alarm; or
- (3) The failure of a person notified pursuant to this chapter to appear within one hour after being noticed to respond, if such failure to timely appear occurs four or more times within a calendar year.

(b) The written notice issued by the sheriff's department or public safety to disconnect or deactivate shall be mailed to the owner and shall specify the date on which the owner shall be required to disconnect or deactivate the alarm system, which date shall be at least 15 days following the date of the notice. The owner may appeal the order to disconnect pursuant to section seven.

(c) The Sheriff's Department may suspend response to any alarm received from a location which has an order to disconnect or deactivate its alarm system as described herein unless there is a separate indication that a crime is in progress.

Section 7: Appeal

(a) The county administrator or designee will serve as hearing officer for appeals from owners that have been noticed to disconnect or deactivate an alarm system or have been assessed fees for false alarms. If the county manager elects a designee to serve as hearing officer, that designee shall not be with the sheriff's or public safety departments.

(b) An appeal must be in writing, submitted to county administration, stating the reasons why the order to disconnect or deactivate should be withdrawn, and shall be made within 15 days of the date of the notice to disconnect or receipt of any false alarm report. The alarm user shall have the burden of proof by preponderance of the evidence.

(c) The hearing officer shall send notice of hearing to the owner within 15 days prior to the appeal hearing and shall make written findings available to the alarm owner, law enforcement or public safety within ten days from the date the hearing is concluded.

(d) If the hearing officer affirms the order to disconnect or deactivate an alarm system, the owner shall have five days following the mailing or the written decision of the hearing officer within which to comply with the order.

Section 8: Failure to disconnect or unauthorized reconnection of the alarm system

It shall be a violation of this Code for any person to fail to disconnect or deactivate an alarm system which has been ordered disconnected or deactivated pursuant to section six, including those situations in which the hearing officer has affirmed the order to disconnect or deactivate. It shall be a violation of this Code for any person to reconnect an alarm system which has been disconnected or deactivated pursuant to the order of the sheriff's department or public safety, unless the reconnection of the alarm system is authorized pursuant to section nine hereof.

Section 9: Reconnection of alarm systems

Law enforcement or public safety shall have the right to inspect the alarm system and test same prior to rescinding the order to disconnect or deactivate. Before any reconnection of an alarm system and after the order to disconnect such system, a reconnection fee of \$25.00 shall be assessed.

Section 10: Automatic telephone dialing alarm device or digital alarm communicator system

(a) It shall be a violation of this Code for any person to install, maintain, operate or use any automatic telephone dialing alarm device or digital alarm communicator system within the county if the system requires connection to the emergency communications center for law enforcement or public safety.

(b) It shall be unlawful for any person to install, maintain, operate or use any automatic telephone dialing alarm device or digital alarm communicator system within the county unless the system is currently approved by the Federal Communications Commission (FCC), and has been approved by law enforcement or public safety, unless otherwise required by law.

(c) Any person who violates the provisions of this section shall be punished as the provided for in section 1 – 8 of the County Code of Ordinance.

Section 11: Audible sound systems

All new or existing audible sound systems shall sound no longer than fifteen minutes for residential and for businesses, unless otherwise required by underwriter's laboratories or law.

Section 12: Penalty and enforcement

Any person who violates any provision of this section shall be guilty of an offense against the county and shall be punished as provided in section 1-8 of the Code of Ordinances. The provisions of this section may be enforced either by prosecution as a misdemeanor through Magistrate's Court of Lexington County or by any other legal or equitable form of action.

Section 13: Alarm system operations

The county, its officers, employees and agents shall not assume any duty or responsibility for the installation, maintenance, operation, repair or effectiveness of any privately owned alarm system, those duties and responsibilities being solely those of the owner of the premises. Additionally, it shall be the responsibility of the owner of the premises to silence an activated alarm and thereafter reset the same. The county shall not provide, nor make available, the services of its sheriff's department or department of public safety to be an emergency communications center for use by owners as a central location for alarm system receiving equipment.

Section 14: Governmental Immunity

Alarm registration is not intended to, nor will 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 any and all governmental immunity as provided by law is retained. By utilizing an alarm system, the alarm user acknowledges that law enforcement response may be influenced by factors such as the availability of law enforcement units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, and prior response history.

Section 15: Severability

The provisions of the Ordinance are severable. If a court determines that any part or portion of this Ordinance is invalid or that the application of any part of this Ordinance 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.

Section 16: False Fire Alarm Ordinance Repealed

The provisions of Section 30-66 through 30-71, entitled Fire Alarm Systems, are being repealed in their entirety and replaced with the provision as set forth herein.

Section 17:

Jurisdiction: The provision of this Ordinance shall be applicable within the unincorporated areas of Lexington County and as to false fire alarms shall be applicable within the Lexington County fire service area.