

## AN ORDINANCE

TO REVISE PROVISIONS IN THE CITY CODE ON FALSE BURGLAR ALARMS IN ORDER TO REQUIRE THE REGISTRATION OF BURGLAR ALARMS, TO REDUCE THE NUMBER OF NO CHARGE FALSE ALARMS, TO REQUIRE THE PAYMENT OF OUTSTANDING FALSE ALARM FEES PRIOR TO THE RENEWAL OF BUSINESS LICENSES, AND TO MAKE THE WILLFUL FAILURE TO REGISTER OR TO PAY THE FEE SUBJECT TO THE GENERAL PENALTIES CLAUSE OF CITY CODE SECTION 1-5.

WHEREAS, the City of Greenville has for several years had City Code provisions charging owners of property for false burglar alarms occurring after there have been three false alarms at the location per calendar quarter; and

WHEREAS, those provisions have recently proved insufficient to deter a large number of false alarms, and the result is to consume the time of officers otherwise on patrol to respond, make a thorough inspection of unoccupied premises, wait for the arrival of the owner, or both; and

WHEREAS, this increase in officers' time is depriving most citizens and tax payers of the City of the services of the officers who are tied up responding to false alarms; and

WHEREAS, charges assessed against persons having an excessive number of false alarms often remain unpaid and the City currently has few enforcement tools which deter indifference to repeated occurrences; and

WHEREAS, Council finds that it can act to deter the repeated occurrence of false alarms by reducing the number of false alarms for which no charge is made and by providing additional enforcement tools; and

WHEREAS, Council gave first reading on August 24, 2009, and at that meeting requested further study and evaluation of the issue, and that study has now been completed by the Greenville Police Department; and

WHEREAS, the Police Department has now recommended to council the adoption of a model ordinance prepared by the South Carolina Police Chiefs Alarm Association, and council has chosen to make revisions substantially the same as those provided in the model ordinance;

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA that:

### SECTION 1. Registration required

Any person or entity having a burglar alarm installed and operable on any premises must register the alarm's location by street address, and the registration must at a minimum include the name of the responsible person for the premises and the alarm, the responsible person's contact telephone numbers, the type of alarm, and the name and contact number of any company representative of any security company providing subscription services for the alarm. The registration fee shall be determined by the City Manager from time to time, and it shall be low enough that it does not deter the use of the registration system.

### SECTION 2. The number of false alarms for which no charge is made.

The number of false alarm for police services for which no charge is assessed shall be reduced from three per calendar quarter to three per year.

### SECTION 3. Persons responsible for apartment buildings with multiple dwelling units.

The owner or responsible person for any apartment complex having more than three dwelling units shall maintain a list of which units have burglar alarms, and the list shall identify with the location of the dwelling units. The list shall be readily accessible to police.

### SECTION 4. Additional enforcement measures

(A) Any person or entity which fails to pay charges assessed for false alarms within ten days of the date the City has sent written notice that the charges are more than thirty days past due has committed a misdemeanor and shall be subject to the fine, but not the jail penalty, provided in City Code Section 1-5, "General Penalty."

(B) Any person or entity licensed to do business in the City which has an outstanding sum due for false burglar alarms at the time a renewal of the business license issued shall not have the license renewal issued until all outstanding charges are paid or otherwise accounted for to the satisfaction of the business license office.

### SECTION 5. Codification of provisions

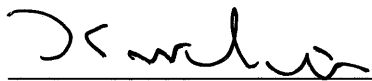
The purposes of this ordinance shall be achieved by incorporating into the City Code the language of the attached Exhibit, "Revisions to New False Burglar Alarm Provisions," the provisions of which are incorporated herein as if set forth verbatim here. ~~The words which are struck shall be deleted from the current text, and the words which are underlined shall be added to the current text.~~ All provisions in the false burglar alarm provisions currently contained in Article I of Chapter 24 of the City Code Sec. shall be deleted in the entirety and the provisions contained in the attached exhibit shall be substituted by the codifier of the City Code with section numbers assigned in such

manner as the codifier deems reasonable and appropriate for the subject matter. Moreover, the codifier shall be authorized to assign such alternative sections numbers as the codifier in its professional judgment determines to be appropriate.

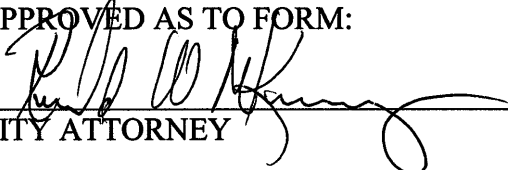
SECTION 6. Effective date

The provisions of this ordinance shall become effective upon second and final reading, ~~provided no charge or citation shall be issued against any person for failing to register an alarm system as provided in this ordinance prior to December 1, 2009~~ Notwithstanding the foregoing sentence, the City Manager shall be authorized to extend the effective date for up to ninety days should he find that the fair and efficient implementation of the new provisions so require.

DONE, RATIFIED AND PASSED THIS THE 14 DAY OF January, 2011.

  
\_\_\_\_\_  
MAYOR

ATTEST:  
  
\_\_\_\_\_  
CITY CLERK - DEPUTY

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
CITY ATTORNEY

REVIEWED:  
  
\_\_\_\_\_  
CITY MANAGER

## EXHIBIT

## NEW FALSE BURGLAR ALARM PROVISIONS

## ARTICLE I BURGLAR ALARMS

## SECTION 1: DEFINITIONS

The following words, terms and phrases, when used in this article, 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 Manager to administer, control and review false alarm reduction efforts and administer the provisions of this ordinance.

***Alarm company*** means a person or business entity subject to the licensing requirements, and/or a company engaged in selling, leasing, installing, servicing or monitoring alarm systems.

***Alarm permit*** means a permit issued by the City allowing the operation of an alarm system within the City.

***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 illegal activity requiring immediate attention and 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 for the purpose of educating 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 and shall include any system which, upon being activated, automatically initiates to the Greenville Police Department a recorded message or code signal indicating a need for law enforcement response.

***Cancellation*** means the process where response is terminated when the alarm company (designated by the alarm user) notifies the Greenville 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 for the purpose of civil/criminal penalty, and no penalty will be assessed.

***City*** means the City of Greenville or its agent.

***False alarm*** means the activation of an alarm system through mechanical or electronic failure, malfunction, improper installation, or the negligence of the alarm user, his/her employees or agents, and signals activated to summon law enforcement personnel unless

law enforcement response was cancelled by the alarm user or his/her agent before law enforcement personnel arrive at the alarm location. An alarm is false within the meaning of this article when, upon inspection by the Greenville Police Department, 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. Notwithstanding the foregoing, a false alarm shall not include an alarm which can reasonably be determined to have been caused or activated by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user.

**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.

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

**SIA Control Panel Standard CP-01** means the American National Standard Institute (ANSI) approved Security Industry Association (SIA) CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce false alarms. Control panels built and tested to this standard by a nationally recognized testing organization, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction".

**Verify** means an attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this article, 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 before requesting law enforcement dispatch.

## SECTION 2: ALARM PERMIT

- (a) **Permit required.** No person shall use an alarm system without first obtaining a permit for such alarm system from the City. A fee may be required for the initial registration. Each alarm permit shall be assigned a unique permit number, and the user may be required to provide the permit number along with the address to facilitate law enforcement dispatch.
- (b) **Application.** The permit shall be requested on an application form provided by the City. An alarm user has the duty to obtain an application from the City.
- (c) **Transfer of possession.** When the possession of the premises at which an alarm system is maintained is transferred, the person (user) 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 within 30 days of the change. The permit holder shall complete and return this form to the City when any of the requested 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 structures having different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant.

### **SECTION 3: DUTIES OF THE ALARM USER**

(a) Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms; and

(b) Provide the alarm company the permit number, (the number should be provided to the communications center by the alarm company to facilitate dispatch).

(c) Must respond or cause a representative to respond to the alarm system's location within a reasonable amount of time when notified by the Greenville 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) An alarm user must obtain a new permit and pay any associated fees if there is a change in address or ownership of a business or residence.

### **SECTION 4: DUTIES OF THE ALARM COMPANY**

(a) Any person engaged in the alarm business in the City, shall comply with the following:

- 1) Obtain and maintain the required state and/or city license(s).
- 2) For each alarm system installed, provide name, address, and telephone number of the user or a designee, who can be called in an emergency, 24 hours a day; and contact a key holder or other emergency contact who will respond immediately.
- 3) Provide the most current contact information for the alarm user.

(b) Ninety (90) days after enactment of this article the alarm installation companies shall, on all new and up-graded installations, use only alarm control panel(s) which meet SIA Control Panel Standard CP-01.

(c) Prior to activation of the alarm system, the alarm company must provide instructions explaining the proper operation of the alarm system to the alarm user.

(d) Provide written information of how to obtain service from the alarm company for the alarm system.

(e) An alarm company performing monitoring services shall:

- 1) Attempt to verify, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. 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.
- 2) Provide address; and alarm user registration number, when available, to the communications center to facilitate dispatch and/or cancellations.
- 3) Communicate any available information about the location of the alarm.
- 4) Communicate a cancellation of police response 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 for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property 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 an audible alarm system which can sound continually for more than 10 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 Greenville Police Department.

**SECTION 6: ENFORCEMENT OF PROVISIONS**

- (a) **Excessive false alarms/Failure to register.** It is hereby found and determined that three or more false alarms within a permit year is excessive, constitutes a public nuisance, and shall be unlawful. Civil penalties for false alarms within a permit year may be assessed against an alarm user as follows: (Examples)
 

Fourth and fifth false alarm . . . . .	\$50.00
Sixth and seventh false alarm . . . . .	\$100.00
Eighth and ninth false alarm . . . . .	\$250.00
Tenth and over false alarms . . . . .	\$500.00
Failure to register . . . . .	\$100.00
- (b) **Other Civil Penalties.** Violations will be enforced through the assessment of civil penalties in the amount of \$100.00 per violation.
- (c) **Payment of Civil Penalty.** Each civil penalty shall be paid within (30) days from the date of the initial invoice.
- (d) **Discontinuance of law enforcement response.** The failure of an alarm user to make payment of any civil penalty assessed under this ordinance within 30 days from the date of the invoice shall 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. In addition, failure to register and obtain a permit may result in no law enforcement response to an unregistered alarm.

(e) ***Civil Non criminal violation.*** A violation of any of the provisions of this ordinance shall be a civil violation and shall not constitute a misdemeanor or infraction.

#### **SECTION 7: ALARM USER AWARENESS CLASS.**

(a) ***Alarm User Awareness Class.*** The City may create and implement an Alarm User Awareness Class and may request the assistance of the area alarm companies to assist 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 may grant the option of attending a class in lieu of paying one assessed fine.

#### **SECTION 8: APPEALS**

(a) ***Appeals process.*** Assessments of civil penalties and other enforcement decisions made under this ordinance may be appealed by filing a written notice of appeal with the Greenville Police Department within 10 days after the date of notification of the assessment of civil penalties or other enforcement decision. The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the assessment of penalties or other enforcement decision. Appeals shall be heard through an administrative process established by the City. The hearing officer's decision is subject to review in the district court by proceedings in the nature of certiorari.

(b) ***Appeal standard.*** The hearing officer shall review an appeal from the assessment of civil penalties or other enforcement decisions using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment of civil penalties or other enforcement decision, the hearing officer shall have the discretion to dismiss or reduce civil penalties or reverse any other enforcement decision where warranted.

#### **SECTION 9: CONFIDENTIALITY**

In the interest of public safety, all information contained in and gathered through the alarm registration applications, no response records, applications for appeals and any other alarm records shall be held in confidence by all employees and/or representatives of the City.



**SECTION 10: GOVERNMENT 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 governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that the Greenville 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 article 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.