



**MECKLENBURG COUNTY
FALSE ALARM ORDINANCE**

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MECKLENBURG COUNTY FALSE ALARM ORDINANCE

BE IT ORDAINED by the Mecklenburg County Board of Commissioners that:

SECTION 1. DEFINITIONS

For the purpose of this ordinance, the following words shall have the following meanings:

- (a) **Alarm Company.** An entity engaged in selling, leasing, installing, servicing, or monitoring alarm systems within Mecklenburg County; this person shall be in compliance with and licensed by the North Carolina Alarm Licensing Board.
- (b) **Alarm Permit.** A permit issued by the Responsible Law Enforcement Agency allowing the operation of an alarm system within an unincorporated area of the Mecklenburg County.
- (c) **Alarm System.** Any single device or assembly of equipment designed to signal the occurrence of an illegal entry or other activity requiring immediate attention and to which the Responsible Law Enforcement Agency is expected to respond, but does not include alarms installed in motor vehicles or fire alarms.
- (d) **Alarm Signal.** A detectable signal, either audible or visual, generated by an alarm system, to which the Responsible Law Enforcement Agency is expected to respond.
- (d) **Alarm Systems Coordinator.** An employee of the Responsible Law Enforcement Agency designated to administer this Ordinance.
- (f) **Alarm User.** Any person, corporation, partnership, proprietorship, governmental or educational entity or any other entity owning or leasing an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.
- (g) **Automatic Dial Protection Device.** An automatic dialing device or an automatic telephone dialing alarm system and shall include any system which, upon being activated, automatically initiates a recorded message or code signal indicating a need for police response.
- (h) **Chief of Police.** The Chief of Police of the Responsible Law Enforcement Agency or his designee.
- (i) **False Alarm.** The activation of an alarm system through mechanical or electronic failure, malfunction, improper installation, or the negligence of the alarm user, his employees or agents, and signals activated to summon police personnel 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 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. In addition, an alarm activated during an alarm system testing procedure shall not be considered a false alarm if the user first notifies and receives permission from the user's alarm company, or designee, to test the system. An alarm is false within the meaning of this Ordinance 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.

- (j) **Permit year.** A 12-month period beginning on the day and month on which an alarm permit is issued.
- (k) **Responsible Law Enforcement Agency.** The police agency for a municipality within Mecklenburg County who has entered into an interlocal agreement to provide law enforcement services within designated unincorporated areas of the County.
- (l) **Runaway alarm.** An alarm system that produces repeated alarm signals that do not appear to be caused by separate human action.

SECTION 2. ALARM USER PERMITS REQUIRED

- (a) **Permit required.** No person shall use an alarm system, as described in Section 1., which is designed to elicit, either directly or indirectly, a police response without first obtaining a permit for such alarm system from the Responsible Law Enforcement Agency or its designee. No person shall use an alarm system when the alarm permit for that system has been revoked pursuant to Section 7 of this Ordinance.
- (b) **Application.** The permit shall be requested on an application form provided by the Responsible Law Enforcement Agency. An alarm user has the duty to obtain an application from the Responsible Law Enforcement Agency.
- (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 user permit within thirty (30) days of obtaining possession of the property. Alarm permits are not transferrable.
- (d) **Reporting updated information.** Whenever the information provided on the alarm user permit application changes, the correct information must be provided by the alarm user to the Alarm Systems Coordinator within thirty (30) days of the change. In addition, each year after the issuance of the permit, permit holders may receive from the Alarm Systems Coordinator a form requesting updated information. The permit holder shall complete and return this form to the Alarm Systems Coordinator if any of the requested information has changed.
- (e) **Alarm reset.** An alarm user may not install, maintain or use an audible alarm system which can sound continually for more than fifteen (15) minutes.

SECTION 3. ISSUANCE OF PERMIT DECALS

No person shall use an alarm system without posting at the front entrance of the premises served by the alarm system the alarm user permit decal issued by the Responsible Law Enforcement Agency, or its designee. This decal must be prominently posted at the front entrance of the premises so that the information provided on the decal is visible from outside of the structure.

SECTION 4. MULTIPLE ALARM SYSTEMS

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

SECTION 5. RESPONSE TO ALARM; DETERMINATION OF VALIDITY

- (a) **Police Response.** Whenever an alarm is activated in the unincorporated area of Mecklenburg County and the Responsible Law Enforcement Agency does respond, a police officer on the scene of the activated alarm system shall inspect the area and shall determine whether the police response was in fact necessary as indicated by the alarm system or whether the alarm was a false alarm.
- (b) **Notification.** If the police officer at the scene of the activated alarm system determines the alarm to be false, the officer shall make a report of the false alarm. An alarm user shall be notified of each false alarm determination.
- (c) **Inspection.** The Chief of Police shall have the right to inspect any alarm system on the premises to which a response has been made at any reasonable time thereafter to determine whether it is being used in conformity with the terms of this Ordinance.

SECTION 6. REVIEW OF FALSE ALARM DETERMINATIONS

- (a) **Request for Review.** The Alarm Systems Coordinator shall, when requested by an alarm user, review the determination that an alarm was false. Such review shall be conducted by the Alarm Systems Coordinator only if the alarm user requests in writing such a review within ten (10) days of the date that the alarm user was notified of the false alarm determination. The written request for review of a false alarm determination by the Alarm Systems Coordinator shall include the following information.
 - (1) alarm user name;
 - (2) address at which alarm is installed;
 - (3) date of false alarm that is being contested;
 - (4) alarm user permit number;
 - (5) facts upon which the request for review of the false alarm determination is made.

SECTION 7. SERVICE CHARGE ASSESSMENT FOR FALSE ALARMS AND REINSTATEMENT OF ALARM USER PERMITS

- (a) Excessive False Alarms. It is hereby found and determined that three (3) or more false alarms within any 12-month period is excessive and constitutes a public nuisance.

- (b) Civil Penalties.
 - (1) The 3rd through 5th false alarms within a 12-month period will result in the alarm user being billed a fifty dollar (\$50.00) service charge per occurrence which shall be considered a bill owed by the alarm user to the local municipality of and may be collected from the alarm user as a civil penalty. Each fifty dollar (\$50.00) service charge incurred for the 3rd through 5th false alarms at the premises described in the alarm user's permit shall be paid within thirty (30) days from date of receipt of the invoice.

 - (2) The 6th false alarm within a 12-month period, and all false alarms thereafter, shall result in the revocation of the alarm user's permit in the following manner:
 - (A) The alarm user shall be given ten (10) days advance written notification that the alarm user's permit will be revoked. This written notice shall set forth the reasons for such revocation.

 - (B) The notice shall specify the date of revocation and that the Responsible Law Enforcement Agency will discontinue responding to alarms that occur at the premises described in the revoked permit after the date of revocation.

 - (C) Reinstatement of both the permit and eligibility for police response to alarm calls will be made only upon receipt of any prior unpaid civil penalties assessed pursuant to this section and receipt of the applicable service charge as set forth below:
 - 6th false alarm - \$100.00
 - 7th false alarm - \$100.00
 - 8th false alarm - \$250.00
 - 9th false alarm - \$250.00
 - 10th and over false alarms - \$500.00 per false alarm

- (c) Permit year. For the purposes of this section, a permit year is a 12-month period beginning on the date of the permit's issuance.

- (d) Discontinuation of Police Response. The failure of an alarm user to make payment of any service charge imposed under this section within thirty (30) days from date of receipt shall result in a discontinuance of police response to alarms that may occur at the premises described in the alarm user's permit until payment is received.

SECTION 8. AUTOMATIC DIAL PROTECTION DEVICES PROHIBITED

No automatic dial protection device shall be used to report, or cause to be reported, any recorded message to the responsible police department.

SECTION 9. PROHIBITED ACTS

- (a) It shall be unlawful for any person to violate any provision of this Ordinance.
- (b) It shall be unlawful for any person to activate a burglary or robbery alarm for the purpose of summoning police when no burglary or robbery, or other crime dangerous to life or property, is being committed or attempted on the premises, or otherwise to cause a false alarm.
- (c) It shall be unlawful for an alarm user to fail to reimburse the local municipality, in accordance with the provisions of this Ordinance, for response(s) by the Responsible Law Enforcement Agency to any false alarm(s).

SECTION 10. ENFORCEMENT OF PROVISIONS

Methods of Enforcement. The local municipality may enforce the provisions of this Ordinance by one or a combination of the following methods:

- (a) Civil Penalty. Any person who violates any provision of this Ordinance may be fined by a civil penalty of one hundred dollars (\$100.00) which may be recovered by the local municipality in a civil action in the nature of a debt if the violator does not pay the penalty within thirty (30) days from the date the violator is notified of the penalty. Any other service charges imposed by this Ordinance may be collected by the local municipality as a civil penalty in a civil action. All service charges and penalties collected by the local municipality pursuant to this Ordinance must be paid to Mecklenburg County within thirty (30) days of receipt unless the local municipality and Mecklenburg County provide in an interlocal cooperation agreement to some other application of such service charges and civil penalties.
- (b) Equitable Remedy. The local municipality may apply to a court of competent jurisdiction for an injunction, abatement order or any other appropriate equitable remedy.

SECTION 11. SEVERABILITY

If any provision of this Ordinance or the application thereof to any person or circumstance is for any reason held invalid, such invalidity shall not affect other provisions or application of the Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 12. APPLICABILITY

Pursuant to the provisions of N.C.G.S. § 153A-122, this Ordinance is applicable to any municipality within Mecklenburg County where authorized.

SECTION 13. EFFECTIVE DATE

This Ordinance shall be effective the first day of July, 2018.

For more information contact Tyrone Wade
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