

TOWN OF KENANSVILLE
FALSE ALARM ORDINANCE

PREAMBLE

The rising number of false alarms being transmitted to the Town of Kenansville and the increased cost of responding to these false alarms, both in the form of equipment and manpower, necessitates the enactment of regulations designed to reduce the incidence of false alarms and to recover some of the costs incurred in responding thereto.

Be it ordained by the Town of Kenansville Board of Commissioners

Section 1. Definitions

For the purposes of this ordinance, the following words will have the following meanings:

Alarm System- Any single or assembly of equipment designed for the detection of an unauthorized entry into a building, structure, facility, or for alerting others of a medical emergency situation, detection of smoke and/or fire, or the commission of robbery within a building or other structure, or of other hazardous situations; and which emits a sound or transmits a signal or message when activated which causes automatic signal transmission to be made directly or indirectly to the Kenansville Police Department, a Volunteer Fire Department or other emergency response. For the purpose of this definition, an "Alarm System" shall not include a device installed on a motor vehicle.

Alarm Signal- A detectable signal, either audible or visual, generated by an alarm system to which the police, fire department or other emergency personnel are expected to respond.

Alarm Systems Coordinator- A person designated by the Town board of Commissioners to administer this ordinance

Alarm User- Any person, corporation, partnership, proprietorship, 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.

Automatic Dial Protection Device- An automatic dialing device or an automatic telephone dialing alarm system, including any system which upon being activated automatically initiates to the Duplin County Communications Center, Kenansville Police Department or a local

Volunteer Fire Department a recorded message or code signal indicating a need for police department or fire department response.

False Alarm- The activation of an alarm system with the transmission of an alarm signal through any of the following:

1. Mechanical or electronic failure,
2. Malfunction
3. Improper installation, or
4. The negligence of the alarm user, his employees or agents and alarm signals activated to summon the Kenansville Police Department, Duplin County Communications Center, or Fire Department, unless law enforcement or fire or emergency response is cancelled by the alarm user or his agent before the police, fire department, or emergency personnel arrive at the alarm location.

A false alarm shall not include:

1. An alarm which can reasonably be determined to have been caused or activated by unusually violent conditions or nature.
2. During circumstances where the alarm user reasonably believed a situation was present for which purpose the alarm system was activated
3. Other extraordinary circumstances not reasonably subject to control by the alarm user.
4. 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 user's alarm company, the Kenansville Police Department and the appropriate fire department, or emergency response department to test the system.

An alarm is presumed to be false within the meaning of this ordinance when upon inspection by a member of the Kenansville Police Department or a member of the local volunteer fire department responding to the alarm, evidence indicates that no unauthorized entry, robbery or other such crime was committed or attempted in or upon "the premises which would have activated a properly functioning alarm system, when no extraordinary circumstances as described above were present, or when upon inspection of an authorized representative of the volunteer fire department responding to the alarm evidence indicated that no fire or smoke was present which would have activated a properly functioning alarm system.

Alarm Reset- An alarm user may not install, maintain or use an audible alarm system, which can sound continually for more that fifteen (15) minutes.

Section 2. Response to alarm; determination of validity

- A. Police, Fire or Other Emergency Response.** Whenever an alarm is activated in the Town and the police office, Volunteer Fire Department, or other emergency personnel does respond, the police department, fire department, or other emergency personnel on the scene shall inspect the area to determine whether the response to the alarm was in fact necessary or whether the alarm was a false alarm.
- B. Notification.** If the police department, volunteer fire department, or other emergency personnel at the scene of the activated alarm system determines the alarm to be false, they may make a report of the false alarm to the alarm systems coordinator, and the alarm systems coordinator shall notify the alarm user in writing of such false alarm determination.
- C. Inspection.** Kenansville Police Department, volunteer fire department, or other emergency department personnel authorized by the Town shall have the right to inspect any alarm system on the premises to which a response has been made at a reasonable time thereafter to determine whether it is being used in conformity with the terms of this ordinance.

Section 3. 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. The alarm systems coordinator shall conduct such review only if the alarm user submits a written request within ten (10) days of the date that the false alarm notice is provided to the alarm user. The written request for review of a false alarm determination by the alarm systems coordinator shall include the following information:
 - 1. Alarm user's name
 - 2. Address at which alarm is installed
 - 3. Date and time of false alarm that is being contested
 - 4. Facts upon which the request for review of the false alarm determination is made
- B. Conduct of hearing.**
 - 1. A hearing officer who shall be the alarm systems coordinator shall conduct the hearing.
 - 2. Formal rules of evidence shall not apply during the course of the hearing.
 - 3. After calling the meeting to order, the hearing officer shall outline the procedure to be followed during the course of the hearing.

4. Cross –examination is permitted
5. The hearing officer may hear testimony from any expert witness
6. The hearing may be recessed or adjourned to another time and /or place in the discretion of the hearing officer.

The decision of the hearing office is the final step in the administrative process and is conclusive upon the applicant, permit holder or alarm user, who shall be considered to have exhausted all administrative remedies that are available to an applicant, permit holder or alarm user

Section 4. Civil Penalties assessment for false alarms

- A. **Civil Penalties for false alarms:** Each Civil Penalty incurred for false alarms at the premises shall be paid within thirty (30) days from the date of receipt of the invoice for same. A charge will be billed, pursuant to the schedule below, per each occurrence and will be owed by the alarm user to the Town and will be collected from the alarm user and collected as a civil debt.
- B. **Excessive false alarms:** It is hereby found and determined that three (3) or more false alarms initiating a response from the Kenansville Police Department, the responding volunteer fire department, or other emergency department within any permit year is excessive and constitutes a nuisance, the cost of which should not be borne by the public.
- C. **Civil penalties for false burglar or emergency service alarms.**
 1. The 3rd through 5th false burglar or emergency service (apart from fire, which is addressed in Section 4(D) alarms within a twelve –month period will be assessed a fifty dollar (\$50.00) Civil Penalties per occurrence.
 2. The 6th and 7th false burglar or emergency service (apart from fire, which is addressed in Section 4(D) alarms within a twelve –month period will be assessed a one hundred dollar (\$ 100.00) Civil Penalties per occurrence.
 3. 8th and 9th false burglar or emergency service (apart from fire, which is addressed in Section 4(D) alarms within a twelve-month period will be assessed a two hundred and fifty dollar (\$250.00) Civil penalties per occurrence.
 4. 10th an over false burglar or emergency service (apart from fire, which is addressed in Section 4(D) alarms within a twelve-month period will be assessed a five hundred dollar (\$500.00) Civil Penalties per occurrence.

D. Civil Penalties for false fire alarm.

1. The 3rd through 5th false fire alarms within a twelve-month period will be assessed a two hundred dollar (\$200.00) Civil Penalties.
2. The 6th and 7th false fire alarms within a twelve-month period will be assessed a three hundred dollar (\$300.00) Civil Penalties.
3. The 8th or over false fire alarm within a twelve-month period will be assessed a five hundred dollar (\$500.00) Civil Penalties.

The Civil Penalties shall be considered a bill owed by the alarm user to the Town and may be collected from the alarm user as a civil debt. Each Civil Penalty incurred for false fire alarms at the premises shall be paid within thirty (30) days from the date of mailing of the invoice.

E. Year. For the purposes of this section, a year begins January 1 of each year.

F. Prohibited Acts. It shall be unlawful for an alarm user to fail to reimburse the Town of Kenansville in accordance with the provisions of this ordinance for responses by the Kenansville Police Department, the Kenansville Volunteer Fire Department or any other responding law enforcement agency or fire department to any excessive false alarm(s).

Section 5. Enforcement of provisions

Methods of enforcement: The town may enforce the provisions of this ordinance by one (1) or a combination of the following methods:

1. **Civil Penalty:** any person who violates any provision of this ordinance may be fined a civil penalty as set out above and may collect same as a civil penalty in civil action.
2. **Equitable remedy:** The Town may apply to a Court of Competent Jurisdiction for an injunction, abatement order or any other appropriate equitable remedy.

Section 6. 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, and to this end the provisions of this ordinance are declared to be severable.

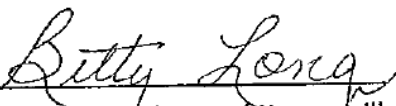
Section 7. Disposition of Revenue.

Revenue collected shall be used to offset salaries and expenses of personnel and equipment to respond to false alarms. This revenue shall be placed in the general fund of the Town of Kenansville

Section 8. Effective Date.

This Ordinance is effective upon enactment.

Adopted/Revised this 7th day of April 2014.


Betty Long, Mayor of Kenansville

Attest:



Annette Dunn, Town Clerk