

OR-2008-07-01

AN ORDINANCE AMENDING THE VILLAGE OF MARVIN FALSE ALARM ORDINANCE

WHEREAS, the Marvin Village Council adopted a False Alarm Ordinance on April 17, 2007; and

WHEREAS, the False Alarm Ordinance included text referencing an Alarm User Permit; and

WHEREAS, Marvin seeks to implement an Alarm Registration form approach instead of an Alarm User Permit process;

NOW, THEREFORE, BE IT ORDAINED that the Marvin False Alarm Ordinance is hereby revised by, deleting all references to an Alarm User Permit form and adding in its stead an Alarm Registration form. said revised False Alarm Ordinance to read in its entirety as follows:

Preamble

The rising number of false alarms being transmitted to the Village of Marvin 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 VILLAGE OF MARVIN COUNCIL THAT:

Section 1. Definitions.

For the purposes of this Ordinance, the following words shall 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 Union County Sheriff's Office, a Volunteer Fire Department or other emergency response. For the purposes of this definition, an "Alarm System" shall not include:

1. A device installed on a motor vehicle;
2. Or devices installed in buildings, structures, or facilities owned or controlled by federal, state or local government agencies.

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

Alarm systems coordinator. A person designated by the Village Council 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 Union County Communications Center, Union County Sheriff's Office or a local Volunteer Fire Department a recorded message or code signal indicating a need for sheriff's office 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 Union County Sheriff's Office, Union 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 sheriff, 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 cause 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 Union County Sheriff's Office 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 Union County Sheriff's Office 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 indicates that no fire or smoke was present which would have activated a properly functioning alarm system.

Section 2. Alarm user registration required.

- A. *Registration required.* No alarm user shall use an alarm system, as described in Section 1, which is designed to elicit, either directly or indirectly, a response from the sheriff, fire department or emergency personnel without first registering for such alarm system from the Village of Marvin or its designee.

Any person who is required in the preceding paragraph to register an alarm system and fails to register the alarm system, shall subject such person to a civil penalty of \$50.00 dollars for each day that the alarm system is not registered after written notification. Each day a person fails to register the alarm system as required herein is a separate offense and is subject to a separate civil penalty provided herein. The civil penalty provided herein is recoverable by the Village in a civil action in the nature of debt if the offender does not pay the civil penalty within 30 days after being cited for violation of this provision of the Ordinance.

- B. *Application.* For those systems in use on the effective date of this ordinance, the alarm user shall have sixty (60) days from said effective date within which to register their alarm.
- C. *Transfer of possession.* When the possession of the premises at which an alarm system is maintained is transferred, the alarm user obtaining possession of the property shall register within thirty (30) days of obtaining possession of the property. Alarm registration is not transferable.
- D. *Reporting updated information.* Whenever the information provided on the alarm registration form changes, the correct information must be provided by the alarm user to the alarm system coordinator within thirty (30) days of the change.
- 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. 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 registration form will be required for each structure.

Section 4. Response to alarm; determination of validity.

- A. *Sheriff, Fire or Other Emergency response.* Whenever an alarm is activated in the Village and the sheriff's office, volunteer fire department, or other emergency personnel does respond, the sheriff's office, 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 sheriff's office, 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.* Union County Sheriff's Office, volunteer fire department or other emergency department personnel authorized by the Village 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 5. 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 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 officer is the final step in the administrative process and is conclusive upon the applicant or alarm user, who shall be considered to have exhausted all administrative remedies that are available to an applicant, or alarm user.

Section 6. Service charge assessment for false alarms, revocation and reinstatement of alarm registration.

- A. *Civil Penalties for False Alarms:* Each service charge incurred for false alarms at the premises described in the alarm registration 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 Village and will be collected from the alarm user 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 Union County Sheriff's Office, the responding volunteer fire department, or other emergency department within any calendar year is excessive, and constitutes a nuisance, the cost of which should not be borne by the public.
- C. *Service charge 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 6(D) alarms within a twelve-month period will be assessed a fifty dollar (\$50.00) service charge per occurrence.
 2. 6th and 7th false burglar or emergency service (apart from fire, which is addressed in Section 6(D) alarms within a twelve-month period will be assessed a one hundred dollar (\$100.00) service charge per occurrence.
 3. 8th and 9th false burglar or emergency service (apart from fire, which is addressed in Section 6(D) alarms within a twelve-month period will be assessed a two hundred and fifty dollar (\$250.00) service charge per occurrence.
 4. 10th and over false burglar or emergency service (apart from fire, which is addressed in Section 6(D) alarms within a twelve-month period will be assessed a five hundred dollar (\$500.00) service charge per occurrence.

D. *Service charge 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) service charge.
2. The 6th and 7th false fire alarms within a twelve-month period will be assessed a three hundred dollar (\$300.00) service charge per occurrence.
3. The 8th or over false fire alarm within a twelve-month period will be assessed a five hundred dollar (\$500.00) service charge per occurrence.

The service charge shall be considered a bill owed by the alarm user to the Village and may be collected from the alarm user as a civil debt. Each service charge incurred for false fire alarms at the premises described in the alarm user's registration shall be paid within thirty (30) days from the date of mailing of the invoice.

E. *Registration year.* For the purposes of this section, a registration year begins January 1 of each year.

F. *Prohibited Acts.* It shall be unlawful for an alarm user to fail to reimburse the Village of Marvin in accordance with the provisions of this Ordinance for responses by the Union County Sheriff's Office, the Wesley Chapel Volunteer Fire Department or the Waxhaw Volunteer Fire Department to any excessive false alarm(s).

Section 7. Enforcement of Provisions.

Methods of Enforcement: The Village 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 a civil action.
2. *Equitable Remedy:* The Village may apply to a Court of Competent Jurisdiction for an injunction, abatement order or any other appropriate equitable remedy.

Section 8. 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 applications of this 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.

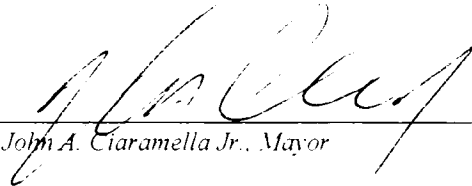
Section 9. Disposition of revenue.

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 Village of Marvin.

Section 10. Effective Date.

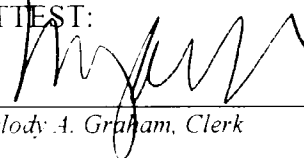
This Ordinance is effective upon enactment. However, in order to permit all alarm users an ample opportunity to register their alarm systems, the date on which false alarms shall be tabulated for purposes of invoking the penalties set out herein shall be January 1, 2008.

Adopted this 8th day of July 2008.



John A. Ciaramella Jr., Mayor

ATTEST:



Melody A. Graham, Clerk

