

CABARRUS COUNTY ALARM ORDINANCE

Adopted December 21, 1998

Effective March 1, 1999

**CABARRUS COUNTY ALARM ORDINANCE
ALARMS RESPONDED TO BY EMERGENCY RESPONSE AGENCIES**

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ALARMS RESPONDED TO BY EMERGENCY RESPONSE AGENCIES

SECTION 1. PURPOSE

(A) The purpose of this ordinance is to encourage Alarm Users and Alarm Businesses to maintain the operational reliability and properly use Alarm Systems and to reduce or eliminate False Alarm Dispatch Requests.

(B) This ordinance governs users of systems intended to summon law enforcement, fire department or emergency medical services response, requires permits, establishes fees, provides for penalties for violations, establishes a system of administration, and sets conditions for suspension or loss of permits.

SECTION 2. DEFINITIONS.

In this ordinance:

(A) **Alarm Administrator** means a Person or Persons designated by the county manager to administer, control and review alarm applications, permits and Alarm Dispatch Requests.

(B) **Alarm Business** means the business, by an individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or Monitoring an Alarm System in an Alarm Site.

(C) **Alarm Dispatch Request** means a notification to the law enforcement, fire or emergency medical dispatch center by the Alarm Business that an alarm, either manual or automatic has been activated at a particular Alarm Site.

(D) **Alarm Review Authority** shall mean the Cabarrus County Board of Commissioners.

(E) **Alarm Site** means a single premises or location served by an Alarm System or systems. Each tenancy, if served by a separate Alarm System in a multi-tenant building or complex shall be considered a separate Alarm Site.

(F) **Alarm System** means a device or series of devices, including, but not limited to, systems interconnected with hard wires or with radio frequency signals, which are designed to discourage or detect crime, detect smoke or fire, or summons emergency medical assistance by emitting or transmitting a remote or local audible, visual or electronic signal indicating an alarm condition. Alarm System does not include:

- (1) an alarm installed on a vehicle unless the vehicle is permanently located at a site;
- or
- (2) an alarm designed to alert only the inhabitants of a premises that does not have a sounding device which can be heard on the exterior of the Alarm Site.

(G) **Alarm User** means any Person, firm, partnership, corporation or other entity who (which) uses an Alarm System at its Alarm Site.

(H) **Chief** means the duly appointed Chief of a police or fire department.

(I) **Conversion** means the transaction or process by which one Alarm Business begins Monitoring of an Alarm System previously monitored by another Alarm Business.

(J) **False Alarm Dispatch** means an Alarm Dispatch Request to the dispatch center, when the appropriate responding official (law enforcement officer, emergency medical personnel or fire department personnel) finds no evidence of a criminal offense or attempted criminal offense, fire emergency or medical emergency after having completed a timely investigation of the Alarm Site. An Alarm Dispatch Request which is canceled by the Alarm Business or the Alarm User prior to the time the responding agency representatives reach the Alarm Site shall not be considered a False Alarm Dispatch.

(K) **Holdup Alarm** means a silent Alarm Signal generated by the manual activation of a device intended to signal a robbery in progress.

(L) **Keypad** means a device that allows control of an Alarm System by the manual entering of a coded sequence of numbers or letters.

(M) **Monitoring** means the process by which an Alarm Business receives signals from Alarm Systems and relays an Alarm Dispatch Request to the appropriate dispatch center for the purpose of summoning a law enforcement, fire or emergency medical response to the Alarm Site.

(N) **One Plus Duress Alarm** means the manual activation of a silent alarm signal by entering at a Keypad a code that adds one to the last digit of the normal arm/disarm code (Normal code = 1234 One Plus Duress Code = 1235).

(O) **Other Responsible Department Head** means the department head of a civilian operated emergency dispatch center.

(P) **Person** means an individual, corporation, partnership, association, organization or similar entity.

(Q) **Takeover** means the transaction or process by which an Alarm User takes over control of an existing Alarm System which was previously controlled by another Alarm User.

(R) **Twelve (12) Month Period** shall be based on calendar months, which period shall run from the occurrence of the first false alarm.

(S) **Verify** means an attempt, by the Alarm Business, or its representative, to contact the Alarm Site by telephonic or other electronic means, whether or not actual contact with a Person is made, before requesting a dispatch, in an attempt to avoid an unnecessary Alarm Dispatch Request.

SECTION 3. PERMIT REQUIRED; APPLICATION; FEE; TRANSFERABILITY; FALSE STATEMENTS.

(A) No Alarm User shall operate, or cause to be operated, an Alarm System at its Alarm Site without a valid alarm permit issued by the Alarm Administrator. A separate permit is required for each Alarm Site.

(B) The annual fee for a permit or permit renewal for a residential Alarm Site is \$10.00. The annual fee for a permit or permit renewal for a commercial Alarm Site is \$15.00. No refund of a permit or permit renewal fee shall be authorized. The initial annual permit fee shall be submitted to the Alarm Administrator within fifteen (15) days after the alarm installation or alarm Takeover.

(C) Upon receipt of a completed application form and the permit fee, the Alarm Administrator shall issue an alarm permit to an applicant unless the applicant has:

- (1) failed to pay a fine assessed under Section 11 or,
- (2) had an alarm permit for the Alarm Site suspended or revoked, and the violation causing the suspension or revocation has not been corrected.

(D) Each permit application shall include the following information:

- (1) the name, address, and telephone number(s) of the Person who will be the permit holder and be responsible for the proper maintenance and operation of the Alarm System and payment of fees assessed under this article;
- (2) the classification of the Alarm Site as either residential, commercial or apartment;
- (3) for each Alarm System located at the Alarm Site, the purpose of the Alarm System, i.e., burglary, holdup, duress, fire, medical or other;
- (4) signed certification from the Alarm User stating:
 - (a) the date of installation, Conversion or Takeover of the Alarm System, whichever is applicable;
 - (b) the name, address, and phone number of the Alarm Business performing the Alarm System installation, Conversion or Alarm System Takeover and responsible for providing repair service to the Alarm System;
 - (c) the name, address, and phone number of the Alarm Business Monitoring the Alarm System if different from the installing Alarm Business;
 - (d) acknowledgment that a set of written operating instructions for the Alarm System has been left with the applicant; and
 - (e) acknowledgment that the Alarm Business has trained the applicant and all persons who will be authorized to manipulate the alarm controls, including employees, in proper use of the Alarm System, including instructions on how to avoid false alarms.

(E) Any false statement of a material matter made by an applicant for the purpose of obtaining an alarm permit shall constitute cause for refusal to issue a permit.

(F) An alarm permit cannot be transferred to another Person. An Alarm User shall inform the Alarm Administrator of any change that alters any information identified on the permit application within five business days.

(G) All fees owed by an applicant shall be paid before a permit may be issued or renewed.

(H) Information contained in permit applications shall be held in confidence by all employees or representatives of the county/city with access to such information.

SECTION 3.1 ALARM SYSTEMS IN APARTMENT COMPLEXES - CONTRACTED FOR BY INDIVIDUAL TENANT.

(A) If an Alarm System installed by an individual tenant in an apartment complex unit is monitored or repaired, the tenant shall provide the name of a representative of the apartment owner or property manager who can grant access to the apartment to the Alarm Business which is providing the **monitoring or repair service**.

(B) A tenant of an apartment complex shall also obtain an alarm permit from the Alarm Administrator before operating or causing the operation of an Alarm System in the tenant's residential unit. The annual fee for this permit or the renewal of this permit shall be the same as the fee for a residential Alarm Site.

(C) For purposes of enforcing this article against an individual residential unit, the tenant shall be responsible for False Alarm Dispatches emitted from the Alarm System in the tenant's residential unit.

SECTION 3.2 ALARM SYSTEMS IN APARTMENT COMPLEXES - FURNISHED BY THE APARTMENT COMPLEX AS AN AMENITY.

(A) If the owner or property manager of an apartment complex provides Alarm Systems in each residential unit as an amenity, then the owner or property manager of the apartment complex shall obtain a master alarm permit from the Alarm Administrator. The annual fee for this permit and for each renewal of this permit shall be \$20.00 dollars.

(B) For purposes of assessing fees and enforcing this article, the master alarm permit holder shall pay those fees for False Alarm Dispatches emitted from the Alarm Systems in residential units.

(C) The owner or property manager of an apartment complex shall obtain a separate alarm permit for any Alarm System operated in a nonresidential area of the apartment complex, including, but not limited to, common tenant areas and office, storage and equipment areas. An annual fee for such a permit shall be the same as the fee for a Commercial Alarm Site.

SECTION 4. PERMIT DURATION AND RENEWAL.

A permit shall expire one year from the date of issuance, and shall be renewed annually by submitting an updated application and a permit renewal fee to the Alarm Administrator. The Alarm Administrator shall notify each Alarm User of the need to renew thirty (30) days prior to the expiration of the permit. The Alarm User shall submit an application prior to the permit expiration date. Failure to renew shall constitute use of a non-permitted Alarm System and citations and penalties shall be assessed without waiver.

SECTION 5. PROPER ALARM SYSTEMS OPERATION AND MAINTENANCE.

(A) An Alarm User shall:

(1) maintain the premises and the Alarm System in a manner that minimizes or eliminates False Alarm Dispatches, and

(2) make every reasonable effort to have a proper house number posted in accordance with the county road name/house number ordinance. This number shall be posted so as to meet or exceed this ordinance, and shall in all cases, be visible from the roadway under adverse weather conditions.

(3) make sure that the directions given to the alarm monitoring station are accurate, clear and concise. Further, in the event of an alarm activation the appropriate Alarm Key Holder shall make every reasonable effort to respond or cause a representative to respond to the Alarm System's location within thirty (30) minutes when notified by the county/city to deactivate a malfunctioning Alarm System, to provide access to the premises, or to provide security for the premises, and

(4) not manually activate an alarm for any reason other than an occurrence of an event that the Alarm System is intended to report provided, that in the event of manual activation for the purpose of testing the alarm, the Alarm User shall first notify the Sheriff's Department of such test.

(B) An Alarm User shall adjust the mechanism or shall cause the mechanism to be adjusted so that a burglar alarm signal audible on the exterior of an Alarm Site sounds for no longer than ten (10) minutes after being activated (or fifteen (15) minutes for systems operating under Underwriters Laboratories, Inc. standards 365 or 609). Fire Alarm audible signals may sound until manually reset.

SECTION 6. MONITORING PROCEDURES.

(A) An Alarm User shall:

(1) report alarm signals by using telephone numbers designated by the Alarm Administrator;

(2) ascertain that an attempt is made to verify every alarm signal, except a duress or hold up alarm activation before or during the request for a law enforcement response to an alarm signal;

(3) verify that the alarm monitoring service shall communicate Alarm Dispatch Requests to the appropriate dispatch center in a uniform manner and form determined by the Alarm Administrator;

(4) verify that the alarm monitoring service **can communicate** verified cancellations of Alarm Dispatch Requests to the appropriate dispatch center in a manner and form determined by the Alarm Administrator.

(B) The Alarm Administrator shall:

- (1) designate the manner, form and telephone numbers for the communication of Alarm Dispatch Requests which shall be provided to the user as guidance for the alarm system installer;
- (2) develop a procedure to accept verified cancellation of Alarm Dispatch Requests.
- (3) advise all alarm businesses and users that no alarm systems which have dialers that dial directly into administrative or 911 telephone lines will be accepted. Installation and/or activation of such systems shall result in the issuance of fees and citations being issued to the parties as non-permitted alarm systems.

SECTION 7. DUTIES OF ALARM BUSINESS.

(A) After 1998 (or the effective date of this ordinance) Alarm users shall neither request nor allow Alarm Businesses to program Alarm Systems so that they are capable of sending One Plus Duress Alarms. Alarm Businesses may continue to report One Plus Duress Alarms received from Alarm Systems programmed with this feature prior to the effective date of this ordinance. After the effective date of this ordinance, when performing a Takeover or Conversion an Alarm user shall request the removal of the One Plus Duress Alarm capability from the Alarm System being taken over or converted.

(B) After the effective date of this ordinance alarm users shall not allow Alarm Businesses to install a device for activating a hold-up alarm which is a single action non recessed button.

(C) Alarm systems that provide for direct dialing over telephone lines to a dispatch center and the delivery of a pre-recorded message are prohibited in Cabarrus County. Such installation by an alarm business and use by an alarm system owner shall constitute a criminal offense as outlined in Section 16 of this ordinance.

SECTION 8. ALARM SYSTEM OPERATING INSTRUCTIONS.

An Alarm User shall maintain at each Alarm Site, a set of written operating instructions for each Alarm System.

SECTION 9. ALARM DISPATCH REQUEST RECORDS.

(A) The officer or official responding to an Alarm Dispatch Request shall record such information as is necessary to permit the Alarm Administrator to maintain those records, which shall include, but are not limited, to the following information:

- (1) identification of the permit number for the Alarm Site;
- (2) identification of the Alarm Site;
- (3) arrival time at the Alarm Site and dispatch received time;

- (4) date, and time;
- (5) weather conditions;
- (6) area and/or sub-area of premise involved;
- (7) name of Alarm User's representative on premises, if any;
- (8) identification of the responsible Alarm Business, and/or;
- (9) unable to locate the address.

(B) The responding officer or official shall indicate on the dispatch record whether the dispatch was arose from a criminal offense, an attempted criminal offense, an actual fire or medical emergency, or a False Alarm Dispatch.

(C) In the case of an assumed False Alarm Dispatch, the responding officer(s) shall leave a notice at the Alarm Site that the department has responded to a False Alarm Dispatch. The notice shall include the following information:

- (1) the date and time of response to the False Alarm Dispatch;
- (2) the identification number of the responding officer, and;
- (3) a statement urging the Alarm User to ensure that the Alarm System is properly operated, inspected, and serviced in order to avoid fines.

(D) For a period of at least one year (or longer if required by their license) following a request for dispatch to an Alarm Site, the Alarm Businesses which performs monitoring services shall maintain record relating to the dispatch. Records shall include the name, address of the Alarm User, the System zone(s) or point(s) activated, the time of request for dispatch and evidence that prior to the request for dispatch, an attempt to verify was made to the Alarm Site. The Alarm Administrator may request copies of such records for individually named Alarm Users.

SECTION 10. SYSTEM PERFORMANCE REVIEWS.

If the Alarm Administrator has reason to believe that an Alarm System is not being used or maintained in a manner that ensures proper operation and suppresses false alarms, he/she may require a conference with an Alarm User and may request the user to have the Alarm Business responsible for the repair of the Alarm System present to review the circumstances of each false alarm.

SECTION 11. FALSE ALARM ADMINISTRATIVE PROCESSING FEES.

(A) An Alarm User or the master permit holder for an apartment complex shall be subject to administrative processing fees, warnings and suspension or revocation of permit depending on the number of False Alarm Dispatches emitted from an Alarm System within a 12-month period based upon the following schedule:

<u>Number of False Alarm Dispatches</u>	<u>Action Taken</u>	<u>Fees</u>
1	On Site Written Notice & Warning Letter #1	0
2	On Site Written Notice & Warning Letter #2	0
3	On Site Written Notice & Assessment of Fine	\$50
	Required Site Inspection and Meeting with Alarm Administrator	
4-7	On Site Written Notice & Suspension of Permit	\$100*
8-11	On Site Written Notice & Warning Letter	\$150*
12-15	On Site Written Notice & Revocation of Permit	\$200*
16-	On Site Written Notice & Possible Criminal Action	\$400*

*Fees shall be for each occurrence of a False Alarm Dispatch.

(B) Any Person, operating a non-permitted Alarm System (whether revoked, suspended or never acquired) will be subject to a criminal citation and an administrative processing fee of \$200 for each False Alarm Dispatch, in addition to any other fines.

(C) Alarm Dispatch Requests caused by actual criminal offense, attempted criminal offense, actual fire or emergency medical situation, natural events (electrical storms) or events caused by man (other than alarm user) which can be determined to have caused the alarm activation shall not constitute a False Alarm Dispatch.

(D) The Alarm Administrator may reinstate a suspended permit upon receipt of acceptable evidence that the cause of the suspension has been addressed and appropriate corrective action has been taken as outlined in Section 15.

(E) All administrative processing fees shall be payable in and to the Cabarrus County Developmental Services / Fire Marshal's Office.

SECTION 12. APPEAL FROM ADMINISTRATIVE PROCESSING FEES.

(A) An Alarm User may appeal assessment of an administrative processing fee to the Alarm Administrator by filing a written request for hearing identifying the basis for the appeal within ten (10) days after assessment of the fee. The filing of a request for an appeal hearing with the Alarm Administrator shall stay the assessment of the fee until the Alarm Administrator, or Alarm Review Authority on appeal, makes a final decision.

(B) The Alarm Administrator shall review the circumstances surrounding the issuance of the fee assessment and may conduct a formal hearing and consider the evidence presented by any interested Person(s). The Alarm Administrator shall enter his/her decision on the preponderance of evidence found through his/her assessment of the circumstances or presented at the hearing including, but not limited to, evidence that a False Alarm Dispatch arose from a defective part that has been repaired or replaced or that an Alarm Dispatch Request arose from an actual emergency. The Alarm Administrator shall render a decision within thirty (30) days after the receipt of the request for a review. The Alarm Administrator shall affirm, reverse or modify the assessment of the fee. The decision of the Alarm Administrator may be appealed to the Alarm Review Authority if written notice is given to the Authority within 20 days after he/she renders a decision on the appeal. Actions and decisions by the Alarm Review Authority are final administrative decisions by the County.

SECTION 13. REVOCATION, SUSPENSION OR LOSS OF ALARM PERMIT .

(A) In addition to suspension or revocation pursuant to Section 11, the Alarm Administrator may suspend or revoke an alarm permit if he/she determines that:

- (1) there is a false statement of a material matter in the application for a permit;
- (2) the permit holder has failed to make timely payment of a fee assessed under Section 11 (B), or;

(B) A Person shall commit an offense if he operates an Alarm System during the period in which his alarm permit is suspended or revoked.

(C) Unless there is separate indication that there is a crime in progress or there is an actual fire or emergency medical need, the Sheriff/Chief/or other responsible department head who has command authority for the dispatch center may refuse to dispatch law enforcement, fire or emergency medical response to an Alarm Dispatch Request at an Alarm Site for which the alarm permit is revoked, suspended or has never been issued.

(D) If the alarm permit is reinstated pursuant to Section 15, the Alarm Administrator may revoke the alarm permit if it is determined that three (3) subsequent False Alarm Dispatches occur within sixty (60) days after the reinstatement date.

SECTION 14. APPEAL FROM DENIAL, SUSPENSION OR REVOCATION OF A PERMIT.

(A) If the Alarm Administrator denies the issuance or renewal of a permit, or suspends or revokes a permit, he/she shall send written notice of this action and a statement of the right to an appeal, by certified mail, return receipt requested, to both the applicant or Alarm User and the Alarm Business. The applicant or Alarm User may appeal the decision of the Alarm Administrator to the Alarm Review Authority by filing a written request for a review setting forth the reasons for the appeal within twenty days after receipt of the notice from the Alarm Administrator. An Alarm Business may submit the request for review on behalf of an Alarm User.

Filing of a request for appeal shall stay the action by the Alarm Administrator suspending or revoking a permit until the Alarm Review Authority has completed the review. If a request for appeal is not made within the twenty-day (20) period, the action of the Alarm Administrator is final.

(B) The Alarm Review Authority shall conduct a formal hearing and consider the evidence offered by any interested Person(s). The Authority shall make a decision on the basis of a preponderance of the evidence presented at the hearing including, but not limited to, certification that Alarm Users have been retrained, that a defective part has been repaired or replaced, or that the cause of the false alarm has been otherwise determined and corrected. The Authority shall render a written decision within thirty (30) days after the request for an appeal hearing is filed. The Authority may affirm, reverse, or modify the action of the Alarm Administrator. The decision of the Authority is a final administrative decision of the County.

SECTION 15. REINSTATEMENT OF PERMIT.

A Person whose alarm permit has been revoked may be issued a new permit if the Person:

- (1) submits an updated application and pays a \$100 permit fee, and;
- (2) pays, or otherwise resolves, all citations and fees, and;
- (3) submits a certification from an Alarm Business, that complies with the requirements of this article, stating that the Alarm System has been inspected and repaired (if necessary) by the Alarm Business.

SECTION 16. PENALTY FEE WAIVER

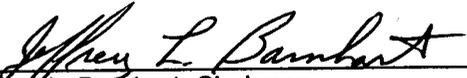
The Alarm Administrator may waive the penalty fee within fifteen (15) working days from date of citation, if the subscriber can produce an original invoice for work conducted to repair the alarm system, in an amount equal to or greater than the imposed penalty fee amount.

SECTION 17. VIOLATIONS.

A Person commits a class 3 misdemeanor criminal offense if he violates by commission or omission any provision of this article that imposes upon him a duty or responsibility.

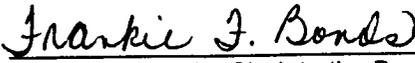
SECTION 18. EFFECTIVE DATE OF ORDINANCE.

Adopted December 21, 1998 to be effective March 1, 1999.



Jeffrey L. Barnhart, Chairman
Cabarrus County Board of Commissioners

ATTEST:



Frankie F. Bonds, Clerk to the Board