

AN ORDINANCE

TO AMEND ARTICLE II, BURGLAR ALARMS, OF CHAPTER 21, MISCELLANEOUS PROVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO CLARIFY DEFINITIONS AND STANDARDS LANGUAGE, REDUCE THE NUMBER OF NO CHARGE FALSE ALARMS, AND TO INCREASE THE PENALTY FOR NON-PAYMENT OF EXCESSIVE ALARM RESPONSES

WHEREAS, the city of Greenville has for several years had provisions in the Code of Ordinances charging owners of property for false burglar alarms in excess of three per year; and

WHEREAS, those provisions have recently proved insufficient to deter a large number of false alarms, which unnecessarily consume the limited resources of the Greenville Police Department; and

WHEREAS, definitions and nomenclature related to alarm systems and standards related to their performance have changed, requiring updated language in the Code of Ordinances; 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, City 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;

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, Article II, Burglar Alarms, of Chapter 21, Miscellaneous Provisions, of the Code of Ordinances of the City of Greenville is amended as set forth in the attached Exhibit, which is incorporated herein by reference.

DONE, RATIFIED AND PASSED THIS THE 8 DAY OF OCTOBER, 2018.



MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO FORM:


CITY ATTORNEY

REVIEWED:


INTERIM CITY MANAGER

EXHIBIT

CHAPTER 21. MISCELLANEOUS PROVISIONS

ARTICLE II. BURGLAR ALARMS

Sec. 21-51. 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 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 City 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 City 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.

Compliance standards means equipment and installation methods shall comply with all appropriate nationally recognized testing laboratories and American National Standards Institute (ANSI) requirements.

~~*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 City 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.~~

False alarm means the activation of an alarm system when and where, upon inspection by the City police department, there is no evidence of unauthorized entry, robbery, or other such crime attempted in or on the premises, and which would have activated a properly functioning alarm system. Notwithstanding the foregoing, a false alarm does not include an alarm which can reasonably be determined to have been caused or activated by unusually violent conditions of nature.

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 within short durations of one another that do not appear to be caused by separate human action. The City 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.~~

Verify means an attempt by the alarm system monitoring company to contact the alarm site and/or alarm user by telephone and/or other means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement response.

Sec. 21-52. 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, in writing, 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.

Sec. 21-53. Duties of the alarm user.

Any alarm user in the city shall comply with the following:

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

- (2) Provide the alarm company the permit number (the number should be provided to the City police department communications center, by the alarm company, to facilitate dispatch).
- (3) Must respond or cause a representative to respond to the alarm system's location within a reasonable amount of time when notified by the City police department.
- (4) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.
- (5) 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.

Sec. 21-54. 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 licenses.
 - (2) For each alarm system installed, provide to the city the 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 to the city the most current contact information for the alarm user.
- (b) Ninety 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) The alarm company shall provide written information to the alarm user 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 city police department 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-~~ city police department communications center as soon as possible following a determination that response is unnecessary.

Sec. 21-55. 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 ten 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 city police department.

Sec. 21-56. 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:

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|--|---------------------------------|
| (1) Third and fourth and fifth false alarm | \$ 50.00 <u>per false alarm</u> |
| (2) Fifth and sixth and seventh false alarm | \$100.00 <u>per false alarm</u> |
| (3) Seventh and eighth and ninth false alarm | \$250.00 <u>per false alarm</u> |
| (4) Ninth and subsequent Tenth and over false alarms | \$500.00 <u>per false alarm</u> |
| (5) Failure to register <u>alarm or report updated information</u> | \$100.00 |

~~(b) *Other civil penalties.* Violations will be enforced through the assessment of civil penalties in the amount of \$100.00 per violation.~~

~~(e)(b) *Payment of civil penalty.* Each civil penalty shall be paid within 30 days from the date of the initial invoice.~~

~~(c) *Non-payment of alarm fees.* The failure of an alarm user to make payment of any civil penalty assessed under this ordinance within 30 days from the date of invoice will result in the alarm fee penalty being doubled for payment.~~

(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 noncriminal violation.* A violation of any of the provisions of this ordinance shall be a civil violation and shall not constitute a misdemeanor or infraction.

Sec. 21-57. 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.

Sec. 21-58. 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 city police department within ten 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 circuit 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.

Sec. 21-59. 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.

Sec. 21-60. 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 city 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.

Sec. 21-61. 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.