

CHAPTER 9

FALSE SECURITY ALARMS

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N. C. General Statutes Reference:
GS 160A-184 -Noise Regulations

CHAPTER 9
AN ORDINANCE REGULATING FALSE SECURITY ALARMS
IN THE TOWN OF PITTSBORO

Article

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Article I.

9 -100 Purpose and Findings.

The Board of Commissioners of the Town of Pittsboro is enacting this Ordinance to encourage security alarm users and alarm system monitoring companies to maintain the operational reliability and proper use of security alarm systems in order to reduce unnecessary police responses to false alarms. The Board of Commissioners finds that false alarms are not only a public nuisance but also a threat to public safety by diverting limited police resources from legitimate requests for assistance and other law enforcement matters.

The Board of Commissioners intends this Ordinance to provide for the health, safety and welfare of the general public and not to protect particular individuals or to otherwise designate a particular group of persons who should be especially affected by the terms of the Ordinance. The Ordinance imposes or creates no duties on the part of the Town or its Departments and employees, and the obligation of complying with the requirements of the Ordinance, and any liability for failure to do so is placed upon the parties responsible for owning, operating, monitoring or maintaining security alarm systems.

The Board of Commissioners is authorized to enact this Ordinance

pursuant to G.S. 160A- 174 and its police powers. The Board of Commissioners does not intend this Ordinance to conflict with any State laws that may govern the licensing of alarm system monitoring companies and false alarms.

Article II. Definitions

For the purposes of this Ordinance, the following words have the meanings respectively ascribed to them in this Section, except where the context clearly indicates a different meaning:

- 9- 201 *Alarm system monitoring company* means any individual, partnership, corporation or other form of association that engages in the business of monitoring security alarm systems and reporting any activation of such alarm systems to the police.
- 9-202 *Alarm user* means any individual, partnership, corporation or other form of association that owns or leases a security alarm system or on whose premises a security alarm system is maintained for the protection of the premises.
- 9-203 *Automatic dialing telephone alarm* means a security alarm system with a device that automatically dials the Police Department emergency assistance telephone lines without human activation of the device by the alarm user.
- 9-204
designee. *Chief of Police* means the Chief of Police of the Town of Pittsboro and the Chiefs
- 9-205 *Department* means the Town of Pittsboro Police Department.
- 9-206 *Dispatch* or *response* means a discretionary decision whether to direct police units to a location where there has been a request, made by whatever means, for police assistance or investigation. There is no duty to dispatch under any circumstances, including to answer an alarm signal, and all dispatch decisions are made subject to competing priorities and available police resources.
- 9-207 *False alarm* means an alarm signal eliciting notification to and a response by the police when there is no evidence of a crime or other activity that warrants a call for immediate police assistance and no person who was on or near the property or has viewed a video communication from the property called for the police dispatch or confirmed the need for police assistance. "False alarm" does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances beyond the control of the alarm user.
- 9-208 *Security alarm system* means any system, device, or mechanism for the detection and reporting of any unauthorized entry or attempted entry or property damage upon premises protected by the system that may be activated by sensors or other techniques and, when

activated, automatically transmits a telephone message or emits an audible, visible, or electronic signal that can be heard, seen, or received by persons outside of the protected premises and is intended to summon police assistance.

Article III. Audible Alarm Standards.

A security alarm system that emits an audible signal that may be heard outside of the protected premises shall conform to the following requirements:

- 9-301 Audible alarms shall automatically discontinue emitting the audible sound within ten (10) minutes after activation of the alarm; and
- 9-302 With respect to security alarm systems in existence prior to the enactment of this Ordinance that do not comply with provision (a) above, the alarm user shall have ninety (90) days from the enactment of the Ordinance in which to make the necessary modifications to the alarm system in order to comply with the requirement.

Article IV. Violation of Audible Alarm Standard.

- 9-401 The sounding of an audible signal from a security alarm system that can be heard continuously off the premises for more than ten (10) minutes is a violation of this ordinance.
- 9-402 It is a defense to a violation of this Section that the continuous sounding of the alarm:
- 402.1 assisted in saving a life or avoiding injury; or
 - 402.2 was caused by a malfunction of the alarm system equipment without the alarm user's prior knowledge of the cause of the malfunction; or
 - 402.3 was activated by an unauthorized entry or criminal activity.

Article V. Alarm Users.

- 9-500 An alarm user shall:
- 9-501 Maintain the premises and security alarm system in a manner that will minimize or eliminate false alarms;
- 9-502 Review all alarm system operating instructions, including those for verification of an alarm;
- 9-503 Notify the alarm system monitoring company of a false alarm activation as soon as the user is aware of the false alarm; and

9-504 Not manually activate an alarm except when needing an immediate police response to an emergency.

Article VI. Alarm System Monitoring Companies.

An alarm system monitoring company engaging in business activities in the Town shall:

- 9-601 Obtain all necessary business licenses as required by the Town of Pittsboro and the State of North Carolina.
- 9-602 Maintain a current record, accessible to the Chief of Police at all times, that includes: the names of the alarm users serviced by the company; the addresses of the protected properties; the type of alarm system, original installation date and subsequent modifications, if any, for each protected property; and a record of the false alarms at each property;
- 9-603 Provide the Chief of Policy such information as the Chief requests regarding: the nature of the company's security alarms; the company's method of monitoring the alarms; the company's program for preventing false alarms, including educational programs for alarm users; and the company's method for disconnecting audible alarms;
- 9-604 Provide each of its alarm system users with: operating instructions for the alarm system, including an explanation of the alarm company's alarm verification process; a telephone number to call for assistance in operating the system; and a summary of the provisions of this Ordinance relating to penalties for false alarms and the possibility of no police response to alarm systems experiencing excessive false alarms;
- 9-605 Maintain a verification process, as specified in Section 7, for all monitored security alarm systems in order to prevent unnecessary police dispatches resulting from false alarms;
- 9-606 Communicate requests for police response to the Department in a manner specified by the Chief;
- 9-607 Communicate requests for cancellations of police response in a manner specified by the Chief;
- 9-608 Maintain a record of all requests for police response to an alarm, including: the date and time of the alarm and request for police response; the alarm system user's name and address; evidence of the company's attempt to verify the alarm; and, to the best of its knowledge, an explanation of the cause of any false alarm; and
- 9-609 Work cooperatively with the alarm system user and the Chief in order to determine the cause of any false alarm and to prevent recurrences.

Article VII. Security Alarm Verification Process.

- 9- 700 A verification process is an independent method of an alarm system monitoring company for determining that a signal from a security alarm system requires immediate police response. The verification process shall not take more than five (5) minutes, calculated from the time that the alarm company receives the alarm signal until the alarm company determines whether to request a police dispatch. The means verification shall include at least one (I) of the following:
- 9- 701 The establishment of voice communications with the alarm user or a person authorized by the user at or near the premises with the alarm who may indicate whether there is an immediate need for police response;
- 9- 702 A feature that permits the alarm user or a person authorized by the user to send a special signal to the alarm company that will cancel the alarm immediately after the signal has been sent and prevent the alarm company from calling the police;
- 9- 703 The installation of a video system that provides the alarm company when the alarm signal is received with the ability to ascertain whether activity is occurring that warrants immediate police response;
- 9- 704 A confirmation that an alarm signal reflects a need for immediate police response from either the alarm user or a person authorized by the user or an alternate response agency made before dispatching the police; or
- 9-705 An alternate system that the Chief determines has or is likely to have a high degree of reliability.

Article VIII. Unlawful Activation or Report of Alarm.

- 9-801 No person shall activate a security alarm system for the purpose of summoning the police except in the event of an unauthorized entry, robbery, or other crime being committed or attempted on the premises, or if the person needs immediate assistance in order to avoid injury or serious bodily harm.
- 9-802 Any person who shall notify the police of an activated alarm and have knowledge that such activation was apparently caused by an electrical or other malfunction shall at the same time notify the police of the apparent malfunction.

Article IX. Determination of False-Alarm; Rebuttable Presumption.

For the purposes of this Ordinance, there is a rebuttable presumption that the following determinations made by the Chief of Police or by a police officer dispatched to the premises reporting an alarm signal are correct:

- 9-901 There is no evidence of a crime or other activity that would warrant a call for immediate police assistance at the premises;
- 9-902 No individual who was on or near the premises or who has viewed a video communication from the premises called for a police dispatch or verified a need for an immediate police response; and
- 9-903 There is no evidence that violent conditions of nature or other extraordinary circumstances beyond the control of the alarm user caused the activation of the alarm.

Article X. Violation and Enforcement.

Violations of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor punishable as provided in G.S. § 14-4. In addition, any incident constituting a violation of the provisions of this ordinance or a failure to comply with any of its requirements, shall subject the offender to a civil penalty of \$50.00 for each day the violation shall remain unabated. If the offender fails to pay the penalty within ten (10) days of being cited for a violation, the penalty may be recovered by the Town by a civil action in the nature of a debt. The ordinance may also be enforced by appropriate equitable action.

Article XI. Severability.

Severability is intended throughout and within the provisions of this Ordinance If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.