

**AN ORDINANCE ADOPTING CHAPTER 99
"ALARM SYSTEMS"
OF THE TOWN OF CORNELIUS CODE OF ORDINANCES**

WHEREAS, it has become necessary for the Town to adopt regulations regarding alarm systems.

NOW THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Town of Cornelius that Chapter 99 of the Code of Ordinances be and hereby is adopted as follows:


Section 1. The Ordinance entitled, "Alarm Systems," Chapter 99, attached hereto as Appendix A, is hereby adopted by the Town within the Town limits and on property or right of way belonging to it outside the corporate limits.

Section 2. This Ordinance shall become effective upon adoption, provided, however, that the current owners of alarm systems shall have until January 1, 2013 to apply for and be issued the alarm permit required by Section 99.02.


Adopted this 15th day of October, 2012.

SEAL





Jeffrey P. Tarte, Mayor

ATTEST:


Lori A. Pearson, Town Clerk

APPROVED AS TO FORM:


William L. Brown, Town Attorney

CHAPTER 99: ALARM SYSTEMS

Section

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§ 99.01 DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning.

ALARM COMPANY. A person engaged in selling, leasing, installing, servicing or monitoring alarm systems in the Town of Cornelius; this person shall be in compliance with and licensed by the North Carolina Alarm Licensing Board.

ALARM PERMIT. A permit issued by the town allowing the operation of an alarm system within the town.

ALARM SIGNAL. A detectable signal, audible or visual, generated by an alarm system, to which law enforcement is expected to respond.

ALARM SYSTEM. Any single device or assembly of equipment designed to signal the occurrence of an illegal or unauthorized entry or other activity requiring immediate attention and

to which law enforcement is expected to respond, but does not include alarms installed in motor vehicles, fire alarms, domestic violence alarms, or alarms designed to elicit a medical response.

ALARM USER. Any person, corporation, partnership, proprietorship, governmental or educational entity, 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.

ALARM USER AWARENESS CLASS. 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. An automatic dialing device or an automatic telephone dialing alarm system, and shall include any system which, upon being activated, automatically initiates to the Cornelius Police Department a recorded message or code signal indicating a need for law enforcement response.

FALSE ALARM. The activation of an alarm system through mechanical or electronic failure, malfunction, improper installation, or the negligence of the alarm user, his or her employees, or agents, and signals activated to summon law enforcement personnel unless the alarm user or his or her agent canceled law enforcement response before law enforcement personnel arrive at the alarm location. An alarm is false within the meaning of this chapter when, upon inspection by the Cornelius Police Department, evidence indicates that no unauthorized entry, robbery, or other such crime was committed or attempted in or on the premises that would have activated a properly functioning alarm system. Notwithstanding the foregoing, a false alarm shall not include an alarm that 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. In addition, 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, or designee, to test the system.

LOCAL ALARM. 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.

PERMIT YEAR. A 12-month period beginning on the day and month on which an alarm permit is issued.

RUNAWAY ALARM. An alarm system that produces repeated alarm signals that do not appear to be caused by separate human action.

SIA CONTROL PANEL STANDARD CP-01. 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 Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction".

TOWN. The Town of Cornelius or its agent.

VERIFY. 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 chapter, 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.

§ 99.02 ALARM PERMIT.

(A) *Permit required.* No person shall use an alarm system without first obtaining a permit for such alarm system from the town. Each alarm permit shall be assigned a unique permit number.

(B) *Application.* The permit shall be requested on an application form provided by the town. An alarm user has the duty to obtain an application from the town. Costs associated with the permit application shall be \$10.00 for administrative fees. The administrative fees are waived for residents who are 65 years of age or older. In applying for and obtaining an alarm permit, the permit user certifies that such permit constitutes a request and authorization to the alarm company that such alarm company provide the services set forth in § 99.05.

(C) *Transfer of possession.* When the possession of the premises at which an alarm system is maintained is transferred, the person 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) *Annual update of alarm permit and information.* Permit holders shall be notified annually for renewal and update of their issued permit. The permit renewal form and fee must be returned within the time specified by the notification. The alarm user shall provide corrected information to the town within 30 days whenever the information provided on the alarm permit application changes. Failure to reregister and update information will result in permit revocation.

(E) *Multiple alarm systems.* If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses, a separate permit shall be required for each structure.

§ 99.03 DUTIES OF THE ALARM USER.

An alarm user shall:

- (A) Maintain the premises and the alarm system in a manner that will reduce or eliminate false alarms;
- (B) Make a solemn endeavor to respond or cause a representative to respond to the alarm system's location within 30 minutes when notified by the Cornelius Police Department to deactivate a malfunctioning alarm system, to provide right of entry to the premises, or to provide alternative security for the premises;
- (C) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report or to perform routine maintenance as prescribed by alarm system provider;
- (D) Obtain a new permit if there is a change in address or ownership of a business, institution or residence; and
- (E) Comply with the requirement for annual renewal and update of his or her assigned permit.

§ 99.04 DUTIES OF THE ALARM COMPANY.

An alarm company operating within the Town of Cornelius shall register with the Cornelius Police Department or its designee, and supply to the Police Department information regarding its license.

§ 99.05 REQUEST AND AUTHORIZATION.

By its application for and receipt of an alarm permit, the alarm user certifies that it has requested of and/or authorized that the alarm company:

- (A) Ninety days after enactment of this chapter, on all new installations, use only alarm control panel(s) which meet SIA Control Panel Standard CP-01;
- (B) Prior to activation of the alarm system, provide instructions explaining the proper operation of the alarm system to the alarm user;
- (C) Provide written information of how to obtain service from the alarm company for the alarm system;
- (D) If performing monitoring services:

(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 where an audio or visual verification has/is confirming a crime is in progress.

(2) Communicate a cancellation to the law enforcement communications center as soon as possible following a determination that response is unnecessary.

(3) Communicate any available information about the location of the alarm.

(4) Provide alarm user registration number.

(5) Provide the permit number for the alarm system that produced the alarm signal at the time the alarm company notifies the Cornelius Police Department of an alarm signal to facilitate dispatch.

§ 99.06 PROHIBITED ACTS.

(A) It shall be a violation of this chapter 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 a violation of this chapter to install, maintain, or use an audible alarm system that can sound continually for more than 15 minutes.

(C) It shall be a violation of this chapter to install, maintain, or use an automatic dial protection device that reports, or causes to be reported, any recorded message to the Cornelius Police Department.

§ 99.07 ENFORCEMENT OF PROVISIONS.

(A) *Excessive false alarms.* It is hereby found and determined that three or more false alarms within a permit year is excessive, constitutes a public nuisance, enforceable by an equitable action, and shall be unlawful and a violation of this chapter. Civil penalties for false alarms within a permit year may be assessed against an alarm user as follows:

Third, fourth and fifth false alarms	\$50
Sixth and seventh false alarms	\$100
Eighth and ninth false alarms	\$250
Tenth and over false alarms	\$500

(B) *Other civil penalty(ies).* Violations of §§ 99.02 and 99.03 may be enforced through the assessment of civil penalty(ies) in the amount of \$100.

(C) *Payment of civil penalty(ies).* Civil penalty(ies) shall be paid within 30 days from the date of the invoice.

(D) *Discontinuance of law enforcement response.* The failure of an alarm user to make payment of any civil penalty(ies) assessed under this chapter 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. The Cornelius Police Department may in its discretion discontinue police responses to alarm signals from what appears to be a runaway alarm.

(E) *Civil noncriminal violation.* A violation of any of the provisions of this chapter shall be a civil violation and shall not constitute a misdemeanor or infraction, enforceable under G.S. § 14-4, which expressly shall not apply.

(F) *Additional remedies.* In addition to collecting unpaid penalties in a civil action, the town may enforce the provisions of this chapter by applying to a court of competent jurisdiction for an injunction, abatement order or other appropriate equitable remedy.

§ 99.08 ALARM USER AWARENESS CLASS.

The Town of Cornelius may create and implement an alarm user awareness class. The Town of Cornelius 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.

§ 99.09 APPEALS.

(A) *Appeals process.* Assessments of civil penalty(ies) and other enforcement decisions made under this chapter may be appealed by filing a written notice of appeal with the Cornelius Police Department within ten days after the date of notification of the assessment of civil penalty(ies) or other enforcement decision. The failure to give notice of appeal within this time shall constitute a waiver of the right to contest the assessment of penalty(ies) or other enforcement decision. Appeals shall be heard through an administrative process established by the Town of Cornelius. The hearing officer's decision is subject to review in the district court by proceedings in the nature of certiorari.

(B) *Appeal standard.* The hearing officer shall review an appeal from the assessment of civil penalty(ies) 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 penalty(ies) or other enforcement decision, the hearing officer shall have the discretion to dismiss or reduce civil penalty(ies) or reverse any other enforcement decision where warranted.

§ 99.99 GENERAL PENALTY.

(A) Whenever in this chapter any act is prohibited or is made or declared to be unlawful or whenever in this chapter the doing of any act is required or the failure to do such act is declared to be unlawful, where no specific penalty is provided therefor, the violation of any such provision of this chapter shall be a civil violation, punishable by a civil penalty not exceeding \$100. Each day that any violation of this chapter continues shall constitute a separate offense.

(B) In addition to or in lieu of the civil penalty provisions set forth in this chapter, the violator may be subject to one, all or a combination of the remedies legal or equitable as authorized and prescribed by G.S. § 160A-175.

(C) Notwithstanding Section 99.07(D), if the violator fails to pay any civil penalty within 30 days after being notified of a violation, the penalty may be recovered by the town in a civil action in the nature of debt. Each day that any violation continues shall be considered a separate offense for purposes of the penalties and remedies specified in this chapter.