

# FANNIN COUNTY, GEORGIA

## ALARM ORDINANCE

WEREAS, the purpose of this ordinance, finds that excessive false alarms unduly a burden to the Fannin County Sheriff's Office limited law enforcement resources. The purpose of this ordinance is to establish reasonable expectations of alarm users and to ensure that alarm users are held responsible for their use of alarm systems.

### SECTION 1: DEFINITIONS

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

***Alarm Administrator*** means a person or persons designated by Fannin County to administer, control and review false alarm reduction efforts and administer the provisions of this ordinance.

***Monitoring Services.*** The term "monitoring services" means an alarm contractor in the business of receiving signals from an alarm system that is responsible to contact the alarm user to verify the nature of the alarm and/or to contact the Emergency communications Center for a law enforcement response.

***Alarm company*** means a person subject to the licensing requirements, and/or a company engaged in selling, leasing, installing, servicing or monitoring alarm systems; this person shall be licensed in compliance with Fannin County ordinances and State laws.

***Alarm permit*** means a permit issued by Fannin County allowing the operation of an alarm system within the County.

***Alarm signal*** means a detectable signal; audible or visible, generated by an alarm system, to which law enforcement is requested to respond.

***Alarm system*** means any signal 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 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 Fannin County 911 system a recorded message or code signal indicating a need for law enforcement response.

***Cancellation*** means the process whereby response is terminated when the alarm company (designated by the alarm user) notifies Fannin County 911 that there is not an existing situation at the alarm site requiring deputy response after an alarm dispatch request. If cancellation occurs prior to a deputy arriving at the scene, this is not a false alarm for the purpose of civil penalty, and no penalty will be assessed.

***County*** means Fannin County or its agent.

***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 Fannin County Sheriff's Office, 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.

**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 that do not appear to be caused by separate human action. The Fannin County Sheriff's Office may in its discretion discontinue law enforcement 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 ordinance, 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.

## **SECTION 2: ALARM PERMIT**

**(a) Permit required.** No person shall use an alarm system in the County without first obtaining a permit for such alarm system from the County. A \$10.00 fee will be required for the initial registration with no renewal fee. Each alarm permit shall be assigned a unique permit number, and the user shall provide the permit number to the alarm company to facilitate law enforcement dispatch.

**(b) Application.** The permit shall be requested on an application form provided by the County. An alarm user has the duty to obtain an application from the County.

**(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 to the County within 30 days of the change. In addition, each year after the issuance of the permit, permit holders will receive from the County a form requesting updated information. The permit holder shall complete and return this form to the County 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 alarm system.

### **SECTION 3: DUTIES OF THE ALARM USER**

**(a)** Register and obtain a permit according to Section 1.

**(b)** Maintain the premises and the alarm system in a manner that will reduce or eliminate false alarms;

**(c)** Provide the alarm company the permit number; (the number must be provided to the communications center by the alarm company to insure dispatch).

**(d)** Must respond or cause a representative to respond to the alarm system's location within thirty (30) minutes when notified by Fannin County Sheriff's office to deactivate a malfunctioning alarm system.

**(e)** Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.

**(f)** 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.

### **SECTION 4: DUTIES OF THE ALARM COMPANY**

**(a)** Any person engaged in the alarm business in the county, shall comply with the following:

- 1) Obtain and maintain the required state and county license(s).
- 2) Be able to provide name, address, and telephone number of the license holder or a designee, who can be called in an emergency,

24 hours a day; and be able to respond to an alarm call, when notified, within 2 hours.

- 3) Be able to provide the most current contact information and permit # for the alarm user.

- (b) Ninety (90) Days after enactment of this ordinance the alarm installation companies shall, on all new 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 verbal & written instructions explaining the proper operation of the alarm system to the alarm user.
- (d) Provide written information 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 alarm user permit number to the communications center to facilitate dispatch and/or cancellations.
  - 3) Communicate any available information about the alarm.
  - 4) Communicate a cancellation to the law enforcement communications center as soon as possible following a determination that response is unnecessary.

## **SECTION 5: PROHIBITED ACTS**

- (a) Failure to obtain an alarm permit or renew.
- (b) 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. This shall include Monitored and unmonitored systems.
- (c) It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than 10 minutes.

(d) 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 Fannin County Sheriff's Office or 911 dispatch.

**SECTION 6: 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:

- First and second false alarm No Charge
- Third false alarm.....\$50.00
- Fourth false alarm.....\$75.00
- Fifth and over false alarm.....\$100.00

**\$100 Fine for failure to register alarm system.**

(b) ***Other Civil Penalty(ies).*** Violations will be enforced through the assessment of civil penalty(ies) in the amount of \$100.00 per violation.

(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 a payment of any civil penalty(ies) assessed under this ordinance within 30 days from 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.

(e) ***Civil Non Criminal Violation.*** A violation of any of the provisions of this ordinance shall be a civil violation.

**SECTION 7: ALARM USER AWARENESS CLASS**

(a) ***Alarm User Awareness Class.*** The County 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 problems created by false alarms and instruct alarm users how to help reduce false alarms. The County may grant the option of attending a class in lieu of paying an assessed fine.

## **SECTION 8: APPEALS**

- (a) *Appeals process.* Assessments of civil penalty(ies) and other enforcement decisions made under this ordinance may be appealed by filing a written notice of appeal with the Fannin County Sheriff's Office within 30 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 period 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 County. The hearing officer's decision is subject to review in the superior 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.

## **SECTION 9: 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 County.

## **SECTION 10: 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 Fannin County Sheriff's Office response may be influenced by factors such as: the availability of police units, priority of the calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

## **SECTION 11: SEVERABILITY**

The provisions of this ordinance 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.

This ordinance shall take effect on July 15, 2009.

