

**AN ORDINANCE AMENDING CHAPTER 38 OF THE
WINSTON-SALEM CITY CODE ENTITLED "MISCELLANEOUS OFFENSES AND
PROVISIONS" TO ADD A NEW ARTICLE TO REGULATE
POLICE ALARM SYSTEMS/POLICE FALSE ALARMS**

BE IT ORDAINED, by the Board of Aldermen of the City of Winston-Salem, as follows:

Section 1: Section 38-1. Penalty. is hereby amended to read as follows:

"Except for Article V, the following shall be deemed to be expressly incorporated and be referenced within each section of this chapter: A violation of this section or any part thereof, shall constitute a misdemeanor and shall subject the offender to a fine of not more than \$500.00 or imprisonment for not more than 30 days."

Sections 38-119-38-125 Reserved.

Section 2: Chapter 38 of the Winston-Salem City Code is hereby amended by adding a new Article V, entitled "Police Alarm Systems/Police False Alarms" to read as follows:

"ARTICLE V. POLICE ALARMS SYSTEMS/POLICE FALSE ALARMS.

Section 38-126 : Definitions

For purposes of this article, the following words shall have the following meanings:

- A. Alarm Permit. A permit issued by the City's Alarm Systems Coordinator in the False Alarm Reduction Unit allowing the operation of an Alarm System within the City which may be subject to revocation.

- B. Alarm Signal. A detectable signal either audible or visual generated by an Alarm System to which the user intends for the Police Department to respond.

- C. Alarm System. Any single device or assembly of equipment designed to signal the occurrence of an illegal entry or other activity requiring immediate attention and to which the Alarm User expects the Police Department to respond regardless of whether the call for response comes from a monitoring service, the Alarm User, a neighbor or results from a police officer hearing the Alarm System. Excluded from this definition are alarms installed in motor vehicles or fire or smoke alarms.

- D. Alarm Systems Coordinator. An employee or agent of the City designated by the City Manager to administer this article.
- E. Alarm User. A person, corporation, partnership, proprietorship, association, 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.
- F. False Alarm. The activation of an Alarm System through mechanical or electronic failure, malfunction, improper installation or maintenance, or actions of the Alarm User, his employees or agents. This term also includes the intentional activation of an Alarm System to summon police personnel in non-emergency situations unless law enforcement personnel were canceled by the Alarm User or his agent before police personnel arrive at the alarm location. Excluded from the above definition are: alarms activated by unusually violent conditions of nature as determined by the responding officer; activation by other extraordinary circumstances not reasonably subject to control by the Alarm User; and alarms activated during Alarm System testing procedures, if the Alarm User contacts their alarm company and informs the company when a test will be conducted. An alarm is presumed false within the meaning of this ordinance when evidence indicates that no unauthorized intrusion, robbery, or other such crime was committed, or attempted, in or on the premises which would have activated a properly functioning Alarm System.

Section 38-127: Permit Required.

- A. An Alarm User must obtain a permit from the Alarm Systems Coordinator. It shall be unlawful for any Alarm User to operate an Alarm System as described in Section 38-126 within the corporate limits of the City of Winston-Salem without -obtaining a permit within ten (10) business days of initial operation **or within ten(10) business days from the effective date of this ordinance, whichever comes last.** No person shall use an Alarm System when the Alarm Permit for that system has been revoked by the Alarm Systems Coordinator.
- B. The Alarm User must provide complete, accurate information on the permit application, including his name, the address of the premises upon which the system has been or will be installed, the mailing address, the telephone number, the type of Alarm System and the business(s) selling, monitoring, inspecting, responding to and maintaining the Alarm System.
- C. The Alarm User must provide any changes from the information provided on the permit application to the Alarm Systems Coordinator within ten (10) business days of the

change.

- D. When possession of the Alarm System protected premises changes, the person obtaining possession of the property shall file an application for an Alarm User permit to the Alarm Systems Coordinator within ten (10) business days of obtaining possession of the property. Alarm Permits are not transferable.

Section 38-128: Multiple Alarm Systems

An Alarm User maintaining multiple Alarm Systems, whether in the same or different locations, shall be required to obtain a permit for each system.

Section 38-129: Alarm Reset Device

An alarm user may not install, maintain, or use an audible Alarm System which can sound for more than twenty (20) minutes when activated. All alarms must have an automatic reset device that resets the alarm within twenty (20) minutes.

Section 38-130: False Alarms

- A. Response

Whenever Police Department Personnel respond to an alarm signal, the responding officer(s) shall inspect the area and determine whether the alarm signal was a false alarm as defined in Section 38-126.

- B. Notification

In the case of false alarms, the officer will leave a written notice of the false alarm at or attached to the Alarm System premises.

Section 38-131: Appeal of False Alarm Determination and Charges

When requested in writing by the Alarm User within ten (10) business days of response to a false alarm, the Alarm Systems Coordinator will review the basis of the officer's determination that an alarm was false. The written request for review of a false alarm determination by the Alarm Systems Coordinator shall include the following information:

1. Alarm User name;

2. Address at which the alarm is installed;
3. Date and time of the false alarm that is being contested;
4. Alarm User permit number;
5. Facts to establish that the alarm was not false.

Section 38-132: Civil Penalty for False Alarms and Reinstatement of Alarm User Permits

A. Excessive False Alarms

Four (4) or more false alarms within a permit year is excessive.

B. Civil Penalties

Excessive false alarms for any Alarm System within a permit year shall subject the Alarm User to a civil penalty according to the following schedule:

<u>Number of False Alarms:</u>	<u>Amount of Civil Penalty:</u>
4 or 5	\$50.00 each
6 or 7	\$100.00 each
8 or 9	\$250.00 each
10 or more	\$500.00 each.

Upon determination that a permittee has exceeded the above numbers of false alarms, the Alarm Systems Coordinator or his designee shall issue and deliver by mail a notification invoice of the civil penalty to the Alarm User. Each civil penalty must be paid within thirty (30) days of notification. Each civil penalty which is not paid when due may be recovered by the City in a civil action in the nature of debt.

C. Discontinuance of Alarm Permit

1. In addition to any and all legal remedies, including the costs associated with an action for collection, if the Alarm User fails to pay civil penalties imposed under this section within thirty (30) days of notification to alarms that may occur at the premises where the Alarm User is in arrears for fees incurred, the Alarm

Systems Coordinator will notify the Police Department when such a situation arises, and the Police Department will cease to respond to any alarm signal.

2. The Alarm Systems Coordinator is authorized to revoke the Alarm User's permit after the ninth (9th) false alarm within a consecutive twelve month period. Police response will be discontinued thereafter.

D. Reinstatement of Alarm Permit

An Alarm User whose eligibility for police response to alarm calls has been revoked will be reinstated only after payment of all prior unpaid civil penalties assessed and compliance with notification provisions in Section 38-130. In addition, permits revoked due to the ninth (9th) false alarm may be reinstated by the Alarm Systems Coordinator by providing documentation showing the Alarm System has been inspected by an individual who is licensed by the North Carolina Alarm Licensing Board stating the Alarm System is in proper working condition.

Section 38-133 : Violations

- A. Except as provided in subsection (B) below, any violation of this article subjects the user to civil penalty. Except as otherwise provided in Section 38-132B and 38-133B, a person who violates any provision of this article is subject to a civil penalty of \$100.00 per violation which may be recovered by the city in a civil action in the nature of a debt if the violator does not pay the penalty within 30 days after he has been cited for violation of the ordinance. The city may also apply to the General Court of Justice for orders of abatement and injunctive relief in accordance with N.C.G.S. 160A-175(e).
- B. It shall be unlawful for any person to activate a burglar or robbery alarm for the purpose of summoning police when no burglary or robbery or other crime dangerous to life or property is being committed or attempted on the premises or otherwise to cause a false alarm. A violation of this provision shall be a misdemeanor punishable as provided in N.C.G.S. 14-225.

Section 38-134: Severability

If any provision of this article or the application thereof to any person or circumstance is for any reason held invalid, such invalidity shall not affect other provisions or applications of the article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable."

Section 3: This ordinance shall be effective April 1, 2003.