

## Person County False Alarm Ordinance

**BE IT ORDAINED** by the Person County Board of Commissioners as follows:

### Section 1. Findings

The Board does hereby find that:

- (a) The Person County Board of Commissioners finds that excessive false alarms unduly burden the County's public safety resources.
- (b) The Person County Board of Commissioners desires to reduce the number of false alarms and enhance valuable public safety resources by establishing clear standards for the use of alarms, and clear disincentives for the negligent and inappropriate use of alarms.
- (c) GS 153A-121 and 123(c) provide the authority for local governments to adopt ordinances to protect the safety of its citizens and charge fees for the violation of an ordinance.

### Section 2. Purpose

The purpose of this ordinance is to encourage residential and commercial fire alarm users to properly use and maintain the operational effectiveness and proper utilization of alarm systems and to reduce or eliminate false alarms which may unduly divert fire resources.

This ordinance governs systems intended to summon a fire public safety response, establishes fees, provides for penalties for violations, and establishes a system of administration.

### Section 3. Applicability

This ordinance shall apply to all unincorporated portions of Person County pursuant to NCGS 153A-122.

### Section 4. Definitions

1. **Alarm System** means sensors, controls and enunciators connected to detect and report a fire. This definition shall not include alarms which do not require a response from law enforcement or fire departments, such as self-contained residential smoke detectors and vehicle alarms.
2. **Alarm System User** (or "user") means any person, corporation, partnership, or governmental or educational entity that owns, leases, or occupies a property that utilizes an Alarm System.
3. **False Alarm** means activation of an Alarm System that elicits a response by fire or other emergency response units when no situation requiring such a response exists because the responding party finds no evidence of fire products or combustion. False Alarm includes accidental, avoidable, and unnecessary alarm activation due to user error, equipment malfunction, improper or unsuited equipment, but does not include alarm activation caused by violent conditions of nature or other extraordinary circumstances beyond the control of the Alarm System User.

### Section 5. Prohibited Actions

1. It shall be unlawful for any person to activate an alarm for the purpose of summoning fire departments when no fire exists at the location or otherwise cause an alarm when there is no valid reason for activation of the alarm.
2. It shall be unlawful for a person to continue an action, process or maintain a situation which continues to create false alarms occurring at the same location.
3. It shall be unlawful for an alarm system user to fail to reimburse Person County in accordance with this ordinance's criteria, for alarm responses deemed false.

## **Section 6. Civil penalties**

1. Whenever a Person County Fire Department (paid or volunteer under contract with Person County), the Person County Fire Inspector, or other public safety department responds to a fire alarm and finds it to be a false alarm a record will be started for the location. Monitoring of the location over the twelve month fiscal year will begin and warning letters and fees will be sent to the alarm system user, based upon the following schedule:
  - i. For false alarm 1 through 2- written warning
  - ii. For false alarm 3 through 5 a fine of \$50.00 each
  - iii. For false alarm 6 through 7 a fine of \$100.00 each
  - iv. For false alarm 8 through 9 a fine of \$250.00 each
  - v. For false alarm 10 and up a fine of \$500.00 each

Payments must be received within 30 days or a twenty-five (\$25) dollar late fee will be added to the account.

## **Section 7. Exclusions**

For the purpose of computing the number of alarm responses, a false alarm shall not include an alarm that is:

1. Determined to have been activated by adverse weather conditions reported by the Person County Emergency Services Director, Person County Fire Inspector, the National Weather Service, Director of Inspections or the responding agency.
2. Activated by an outside non-domesticated animal.
3. An alarm where there is physical evidence of a fire where the fire was ignited secondary to the alarm so as to not be charged for a false alarm.
4. An alarm where there is physical evidence of a fire at the premises where the alarm was activated.
5. A local alarm activated in the testing of the alarm system testing procedure shall not count toward alarm responses as long as the alarm user notifies Person County 911 Center of the alarm test prior to the testing.

## **Section 8. Notification**

The Inspections Director shall have the alarm system user notified in writing after the first and each subsequent false alarm. The notification shall include:

- a. The amount of the civil penalties for each false alarm,
- b. The date by which the civil penalty must be paid (for false alarm 3 and above), and
- c. A description of the appeal procedure available to the alarm user.

## **Section 9. Appeals**

1. Any determination by an alarm system user that the fire alarm activation was not one of the exclusions herein may be appealed to the Inspections Director within ten (10) days of notification in writing. The decision of the Inspections Director shall be final.

## **Section 10. Enforcement of Violations**

1. Any person violating any of the provisions of this chapter shall be subject to the civil penalties set forth. Any violation of this chapter shall be deemed a non-criminal violation and shall not be a misdemeanor or infraction pursuant to G.S. 14-4.
2. If payment is not received or equitable settlement reached within one hundred eighty (180) days after demand for payment is made, the matter shall be referred to the County Attorney. If appropriate, the County Attorney may institute civil action in the name of the County in the

appropriate division of the general court of justice of Person County for recovery of the penalty, recommend application of the debt set off program, or any other recovery mechanism allowed under State law.

**Section 11. Severability**

1. All local ordinances in conflict herewith are hereby repealed to the extent of said conflict.
2. If this ordinance or application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given separate effect and to this end the provisions of this ordinance are declared to be severable.
3. This ordinance shall become effective September 11, 2017.



Tracey L. Kendrick, Chairman  
Person County Board of Commissioners



Brenda B. Reaves  
Clerk to the Board

