



**ORDINANCE ESTABLISHING RULES AND REGULATIONS FOR LAW
ENFORCEMENT, FIRE AND EMS ALARM SYSTEMS
WITHIN MITCHELL COUNTY**

BE IT ORDAINED by the Board of Commissioners of Mitchell County that an Ordinance establishing rules and regulations for Law Enforcement, Fire and EMS alarm systems within Mitchell County is hereby enacted as follows:

SECTION 1. DEFINITIONS

The following words and phrases shall have the meanings set forth herein unless the context clearly indicates otherwise:

- A. **Alarm System** means any electronic or mechanical devise which transmits an electronic alarm signal or recorded message to the Mitchell County Communications Center or other receiving station indicating an actual or attempted unauthorized entry into a building or indicating the commissioner or attempted commissioner of a crime in or about a building or indicating a fire or other incendiary or any medical call for assistance occurrence. For purposes of this definition, other receiving station means any person or business that receives an electronic alarm signal or recorded message and retransmits it or in-turn conveys to the Communications Center the appropriate information.
- B. **Appropriate Information** shall include but not be limited to Property/Business or Individual Owner name, Address, alarm being received, whether an after hours contact has been made and that person(s) estimated time of arrival or directions from that after hours contact and their telephone number or all information contained on the alarm system application form.
- C. **Reasonable time frame** is considered thirty minutes after appropriate notification from the County Communications Center.
- D. **False Alarm** means any activation of an Alarm System that elicits a response by Law Enforcement, Fire or EMS personnel when no situation requiring such a response does, in fact, exist. This includes accidental, avoidable and unnecessary alarm activation due to user error, equipment malfunction, and improper or unsuited equipment.

SECTION 2. ALARM SYSTEM OWNER PERMITS REQUIRED

A. GENERAL

Every Alarm System Owner shall obtain a permit from the Communications Department

for each Alarm System that such owner operates within Mitchell County and make yearly updates to assure current and correct information.

An Alarm System Business must obtain a permit under this Section, 1) if an Alarm System is used to protect the premises in which the business is housed, or 2) for the new owner when a system is initially installed, i.e. new system.

Every Alarm System Business/Installer shall initially pay or cause the Alarm System Owner to pay a one-time application fee of \$25.00 per alarm system to the Mitchell County Finance officer for a permit form the Communications Center. A copy of the check and a completed alarm application should be mailed to the Communications Center for documentation prior to the system being activated. This step applies whether the alarm is connected directly to the Communications Center or through an alarm monitoring service.

B. ALARM SYSTEM OWNER PERMIT APPLICATION AND ISSUANCE

The alarm System Owner will complete the entire application/permit form as specified by the Director of Communications. In the case of a residential application, two persons and in the case of an industrial/corporate application, three persons, other that the owner will be listed and available for contact at any time day or night. These persons will be authorized by the system owner to respond and open the premises in which the system is installed, and act on their behalf with regard to the type of alarm received. Refer also to Section 3. A.

At such time that any information changes that is contained on the submitted permit application or annually, which ever comes first, the system owner will be required to submit an updated permit application to the Director of Communications. There shall be no fee for submitting an updated form where the purpose is to correct or change information that was previously provided.

The Director of Communications shall not approve an Alarm Permit application where the Alarm System Owner's previous permit has been revoked pursuant to any section of this Ordinance and in the event said revocation has occurred that system has been checked and repaired by a company licensed by the Sate of North Carolina to inspect and repair alarm systems.

SECTION 3. ALARM SYSTEM OWNER RESPONSE TO ALARMS

A. GENERAL

The alarm system Owner shall obtain a permit from the Communications Department for each Alarm System that such owner operates within Mitchell County and make yearly updates to assure current and correct information.

An Alarm System Business must obtain a permit under this Section, 1) if an Alarm System is used to protect the premises in which the business is housed, or 2) for the new owner when a system is initially installed, i.e. new system.

Every Alarm System Business/Installer shall initially pay or cause the Alarm System Owner to pay a one-time application fee of \$35.00 per alarm system to the Mitchell County Finance officer for a permit from the Communications Center. A copy of the check and a completed alarm application should be mailed to Communications Center for documentation prior to the system being activated. This step applies whether the alarm is connected directly to the communications Center or through an alarm monitoring service.

B. ALARM SYSTEM OWNER PERMIT APPLICATION AND ISSUANCE

The Alarm System Owner will complete the entire application/permit form as specified by the Director of Communications. In the case of a residential application, two persons and in the case of an industrial /corporate application, three persons, other than the owner will be listed and available for contact at any time day or night. These persons will be authorized by the system owner to respond and open the premises in which the system is installed, and act on their behalf with regard to the type of alarm received. Refer also to Section 3. A.

At such time that any information changes that is contained on the submitted permit application or annually, whichever ever comes first, the system owner will be required to submit an updated permit application to the Director of Communications. There shall be no fee for submitting an updated form where the purpose is to correct or change information that we previously provided.

Upon approval of the application by the Director of Communications, to include approval of the Mitchell County Building/Fire Inspector (where applicable), proper fee payment and submission of all appropriated information, a permit will be issued. This permit shall be displayed on the premises wherein the alarm System is installed and shall be available for inspection by the Director of Communications, Fire Inspector or lead official of the responding emergency agency. Every Business Alarm System Owner shall display an emergency call back sticker on the door or window of the building wherein the alarm system is installed. This emergency call back sticker shall denote the name and phone number of at least the first two persons listed on the permit as emergency contact individuals.

SECTION 3. ALARM SYSTEM OWNER RESPONSE TO ALARMS

A. GENERAL

The alarm system owner or representative thereof shall be available at all times for the purpose of responding to alarms by personally appearing at the home or building designated in the permit following an alarm of any kind, if it is deemed necessary by the

lead official or investigation officer of the responding agency. If following an alarm and notification from the county communication center the owner or representative thereof fails to respond within a reasonable time frame, the owner will be assessed a civil penalty of \$100.00 per event.

SECTION 4. FALSE ALARMS

A. GENERAL

If the Communications Center receives more than two (2) false alarms within a thirty day period without the owner notifying the Communications Center to disregard the call prior to any dispatch of services, the owner will be assessed a civil penalty as defined below for the third and subsequent false alarms received. This process will continue until such time as documentation is received by the Director of Communications that said alarm has been verified to be in proper working order by a North Carolina licensed alarm company installer/repair person and a period of seven (7) days has elapsed since the alarm has improperly activated.

B. FIRE ALARMS

Civil Penalties will be assessed at a rate of \$230.00 per appropriate apparatus that responds as per Computer Aided Dispatch (CAD) documentation from the Communications Center. This will be for a maximum of six (6) units with a total fine of \$1,500.00 per incident.

C. LAW ENFORCEMENT ALARMS

Civil Penalties will be assessed at a rate of \$250.00 per appropriate Law Enforcement unit that responds for the third false alarm and will increment \$100.00 per call for consecutive calls as per Computer Aided Dispatch (CAD) documentation from the communications center. This will be for a maximum of \$1,500.00 per accident.

SECTION 5. ASSESSMENT OF PENALTIES

A. ASSESSMENT

1. The Director of Communications or the Building /Fire Inspector shall assess civil penalties under the provisions of this article. An assessment notice shall be mailed or hand-delivered to the Alarm System Owner or Alarm System Installer whichever is appropriate.

B. PAYMENT OF CIVIL PENALTIES/FINES

1. All Civil Penalties will be paid to the Mitchell County Finance Office and in turn, forwarded to the appropriate responding agency, i.e. Mitchell County Fire Association,

Mitchell County Sheriff's Department, Mitchell County Emergency Communications Department, Mitchell County Building/Fire Inspections, Spruce Pine or Bakersville Police Department.

C. OTHER PENALTIES

This ordinance may also be referenced and fines assessed by the Mitchell County Inspections/Fire Inspector in the event infractions of the North Carolina State Building Code, specifically Chapter 5, NFPA; National Fire Protection Association, specifically 72; and the National Fire Alarm Code are found (where applicable).

D. COLLECTION OF PENALTIES AND FINES

1. Mitchell County will utilize any and all methods for collection of penalties billed from the Communications Center and or the Building/Fire Inspector. The normal process will include notice of non-compliance from the appropriate office, a defined or given period of time for response and, finally, contact from the current county attorney for non-response.

SECTION 6. EFFECTIVE DATE

This Ordinance shall become effective on this the 2nd day of January 2001.

MITCHELL COUNTY

By *Harry Anderson*

Harry Anderson, Chairman
Board of Commissioners

ATTEST:

Judy Broadway
Judy Broadway, Clerk to the Board

(SEAL)

