

**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.

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 device 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 commission of crime in or about a building 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 informational contained on the alarm system application form.
- C. Reasonable time frame is considered 30 minutes after appropriate notification from the county communications center or responding agency.
- D. False Alarm means any activation of an Alarm System that elicits a response by Law Enforcement; Fire or EMS personnel when so 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 and improperly installed equipment.

SECTION 2. ALARM SYSTEM OWNER PERMITS REQUIRED

A. GENERAL

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

2. An Alarm system business must obtain a permit under this Section, 1) if an Alarm System used to protect the premises in which the business is house, or 2) for the new owner when a system initially installed, i.e. New system.
3. 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 from the Communications Center. A copy of the check documentations 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

1. 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 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 action their behalf with regard to the type of alarm received. Refer also to Section 3, their behalf with regard to the type of their behalf with regard to the type of alarm received. Refer also to Section 3, A, with regard to the type of alarm received. Refer also to Section 3, A, 1.
2. 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 id to correct or change information that was previously provide.
3. 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 the reason for revocation has not been corrected and or all assessed civil penalties have not been paid.
4. 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 appropriate information, a permit will be issued. The 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;

The alarm system owner, representatives thereof or a person listed as available in the permit application shall be available at all times for the purpose of responding to alarms and shall appear at the home or building designated in the permit following an alarm of any kind and shall be present upon the premises in no less than thirty minutes after request from the Communications Center or responding agency. Failure of the owner, owners, representative or a person listed in the application as available for contact to appear at the home or building designated in the permit within the time herein allowed shall subject the alarm system owner to civil penalty as hereinafter provided.

SECTION 4. ALARM SYSTEM OWNERS DUTIES TO TAKE CORRECTIVE ACTION

If the communications Center receives two false alarms after the issuance of a permit the Alarm System Owner shall cause the alarm system to be examined by a North Carolina licensed alarm system installer or repair person and cause any defect or malfunction to be corrected and shall provide documentation to the Director of Communications that said alarm system has been verified to be in proper working order.

SECTION 5. PENALTIES

A. ASSESSMENT

The Director of Communication an/or the Building/Fire Inspector are authorized to assess civil penalties under the provisions of this Section. ASSESSMENT, notice shall be conclusively deemed to have been given three days following mailing by first class mail, postage prepaid and addressed to the Alarm System Owner at the address including in the most recent permit application or updated permit application on file with the Director of Communications.

B. AMOUNT OF PENALTY ASSESSMENTS

1. Penalty for failure to respond: For each failure to respond as required in Section 3 of this Ordinance a civil penalty in the amount of \$100.00 shall be assessed against the alarm system owner.
2. Penalty for False Alarms: No civil penalty shall be assessed against the alarm system owner for the first two false alarms occurring after the issuance to the owner of an Alarm System Permit. If following the second false alarm and prior to any subsequent false alarm the alarm system owner furnishes to the Director of Communication written documentation that the alarm has been inspected, required and verified to be in proper working order by a North Carolina licensed alarm system installer or repair person then

no civil penalty shall be assessed for the first alarm following receipt of written documentation by the Director of Communications. For all other false alarms a civil penalty shall be assessed. The amount of the penalty shall be Two Hundred Fifty (\$250.00) Dollars for each appropriate fire fighting apparatus that responds to the false alarm and Two Hundred Fifty (\$250.00) Dollars for each Law Enforcement vehicle that responds to the false alarm as documented from the Computer Aided Dispatch (CAD) at the Communications Center. The maximum civil penalty assessed for any false alarm shall not exceed Fifteen Hundred (\$1,500.00) Dollars.

3. Penalties for Failure to Update Permit Information: For failure to submit an updated permit application to the Director of Communications, as herinabove required a civil penalty shall be assessed in the amount of One Hundred (\$100.00) Dollars.

C. PAYMENT AND DISBURSEMENT OF CIVIL PENALTIES;

All civil penalties assessed against all alarm system owners are due and payable in full within thirty (30) days of the date of the notice of assessment. Payment shall be made to the Mitchell County Finance Officer.

Penalties paid for fire fighting apparatus response to false alarms shall be disbursed by the Mitchell County Fire Association and not to the responding fire department.

Penalties paid for law enforcement response to a false alarm shall be disbursed to the responding law enforcement agency.

D. OTHER PENALTIES

Penalties in addition to those authorized by this Section may be assessed by the Mitchell County Department of inspections/Fire Inspections for violations of the North Carolina State Fire Prevention Code, National Fire Protection Association, specifically 72, National Fire Alarm Code.

E. APPEAL OF ASSESSMENTS

The alarm system owner against whom any civil penalty has been assessed may appeal the Notice of Assessment to the Mitchell County E-911 Advisory & Governing Committee. Notice of Appeal must be in writing and delivered to the Director of Communications within eighteen (18) days of the date of the Notice of Assessment. That written appeal shall state the basis of the appeal and include any reasons that the alarm system owner believes constitute a wrongful assessment of civil penalties.

The Mitchell County E-911 Advisory and Governing Committee shall hear all appeals at one of its regularly scheduled meetings. The alarm system owner shall be mailed notice of hearing of the appeal by first class mail, postage prepaid at the address included in the most recent permit application or updated permit application. Notice of hearing shall be

mailed by the Director of Communications.

The issues to be heard on appeal is whether a violation of this Ordinance for which civil penalties are assessable occurred and whether the amount of the civil penalty assessment is correct. The decision of the E-911 Advisory and Governing Committee shall constitute a final agency decision.

All civil penalties found to be due and payable by the E-911 Advisory and Governing Committee shall be due and payable in full within fifteen (15) days of the decision of the Committee.

All decisions of the E-911 Advisory and Governing committee shall be reached by majority vote of those members present at the hearing of the Appeal.

F. Collection of Civil Penalties

Mitchell County is authorized to utilize all lawful methods for the collection of all civil penalties finally assessed and not timely paid including the institution of civil action to collect money owed in the event Mitchell County elects to institute civil action to collect any unpaid, finally assessed civil penalties then Mitchell County shall be entitled to recover in addition to the civil penalties the costs of such civil action including reasonable attorney's fees.

SECTION 6. REVOCATION OF PERMIT

The Director of Communications is authorized to revoke the Alarm Permit of any Alarm system owner upon the following grounds.

1. The Alarm System Owner provided false or inaccurate information in the Alarm Permit application or failed for more than ninety (90) days to submit updated permit application after information contained in the most recent permit application was no longer accurate.
2. The Alarm System owner, representative thereof or person listed as available in the Alarm Permit Application failed to respond as required in Section 3 hereof three or more times.
3. The Alarm System owner failed to provide the documentation that the alarm has been verified to be in proper working order as required in Section 4 hereof after three or more false alarms.
4. The Alarm System owner failed to timely pay any finally assessed civil penalty.

SECTION 7. EFFECTIVE DATE

This ordinance shall be effective upon ratification and shall apply to all alarm systems then or subsequently permitted.

This 18th day of October, 2004.

Mitchell County

By: Keith Masters
Chairman of the Board

Attest: Kathy Young
Clerk

