

CHAPTER 98: FALSE ALARM ORDINANCE

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Chief of Police:

The Chief of Police of the Matthews Police Department or his designee.

False alarm:

The activation of an alarm system whether:

- (1) through mechanical or electronic failure,
- (2) malfunction,
- (3) improper installation,
- (4) or the negligence of the alarm user, his employees or agents, and alarm signals activated to summon police or fire personnel unless police or fire department response was canceled by the alarm user and his alarm company before police or fire personnel arrive at the alarm location.

A false alarm shall not include:

- (1) an alarm which can reasonably be determined to have been caused or activated by unusually violent conditions of nature,
- (2) during circumstances where the alarm user reasonably believed a situation was present for which purpose the alarm system was installed,
- (3) any other extraordinary circumstances not reasonably subject to control by the alarm user,
- (4) an alarm activated during an alarm system testing procedure if the alarm user first notifies and receives permission from the user's alarm company, or designee, to test the system.

An alarm is false within the meaning of this ordinance when, upon inspection by the Chief of Police, 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, when no extraordinary circumstances as described above were present, or when upon the inspection of the Fire Chief, evidence indicates that no fire or smoke was present which would have activated a properly functioning alarm system.

Fire Chief:

The Fire Chief of the Matthews-Morningstar Volunteer Fire Department, the Idlewild Volunteer Fire Department, or their respective designees.

Permit Period:

Successive twelve-month periods, beginning at the initial issuance of the alarm permit to the alarm user.

§98.01 DEFINITIONS

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

Alarm permit:

A permit issued by the Town allowing the operation of an alarm system within the Town.

Alarm system:

Any single device or assembly of equipment designed to signal the occurrence of an illegal entry or other activity requiring immediate attention to which the Police Department is expected to respond, or to signal the presence of smoke or fire to which the Fire Department is expected to respond, but does not include alarms installed in motor vehicles.

Alarm signal:

A detectable signal, either audible or visual, generated by an alarm system, to which the police or fire department is expected to respond.

Alarm systems coordinator:

An employee of the Town designated by the Chief of Police to administer this article.

Alarm user:

Any person, corporation, partnership, proprietorship, 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.

Automatic dial protection device:

An automatic dialing device or an automatic telephone dialing alarm system, including any system which, upon being activated, automatically initiates to the Charlotte-Mecklenburg Communications Center, or the Matthews Police Department, a recorded message or code signal indicating a need for police or fire department response.

§98.02 ALARM USER PERMITS REQUIRED.

(A) *Permit required:* No person shall use an alarm system, as described in Section 98.01, which is designed to elicit, either directly or indirectly, police or fire department response, without first obtaining a permit for such alarm

system from the Town or its designee.

(B) *Application:* The permit shall be requested on an application form provided by the Town of Matthews. An alarm user has the duty to obtain an application from the Town.

(C) *Transfer of possession:* When the possession of the premises at which an alarm system is maintained is transferred, the person obtaining possession of the property shall file an application for an alarm user permit within thirty (30) days of obtaining possession of the property. Alarm permits are not transferable.

(D) *Reporting updated information:* Whenever the information provided on the alarm user permit application changes, the correct information must be provided by the alarm user to the alarm systems coordinator within thirty (30) days of the change. In addition, prior to the beginning or each permit period, permit holders will receive from the alarm systems coordinator a form requesting updated information. The permit holder shall complete and return this form to the alarm systems coordinator when any of the requested information has changed.

§98.03 ALARM SYSTEM REQUIREMENTS.

(A) *Multiple alarm systems:* If an alarm has one (1) or more alarm systems protecting two (2) or more separate structures having different addresses, a separate permit will be required for each structure.

(B) *Alarm reset:* An alarm user may not install, maintain, or use an audible alarm system that can sound continually for more than fifteen (15) minutes.

§ 98.04 RESPONSE TO ALARM: DETERMINATION OF VALIDITY.

(A) *Police or Fire response:* Whenever an alarm is activated in the Town and the Police Department or the Fire Department does respond, a police officer or firefighter on the scene of the activated alarm system shall inspect the area and determine whether the response was in fact necessary as indicated by the alarm system or whether the alarm was a false alarm.

(B) *Notification:* If the police officer or firefighter at the scene of the activated alarm system determines the alarm to be false, the officer or firefighter shall make a report of the false alarm. An alarm user shall be notified of such false alarm determination.

(C) *Inspection:* The Chief of Police or Fire Chief shall have the right to inspect any alarm system on the premises to which a response has been made at any reasonable time thereafter to determine whether it is being used in conformity

with the terms of this article.

§98.05 REVIEW OF FALSE ALARM DETERMINATIONS.

(A) *Request for review:* The alarm systems coordinator shall, when requested by an alarm user, review the determination that an alarm was false. The alarm systems coordinator shall conduct such review only if the alarm user requests in writing such a review within ten (10) days of the date that the false alarm occurred. 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 alarm is installed
- (3) Alarm user permit number
- (4) Date and time of false alarm that is being contested
- (5) Facts upon which the request for review of the false alarm determination is made

(B) *Response to request for review:* The alarm system coordinator will review the request and will affirm or reverse the determination of false alarm.

§98.06 SERVICE CHARGE ASSESSMENT FOR FALSE ALARMS AND REINSTATEMENT OF ALARM USER PERMITS.

(A) *Civil penalties for false alarms:* Each service charge incurred for false alarms at the premises described in the alarm user’s permit shall be paid within thirty (30) days from the date of receipt of the invoice. A charge will be billed, pursuant to the schedule below, per each occurrence and will be owed by the alarm user to the Town and will be collected from the alarm user as a civil penalty.

(B) *Excessive false alarms requiring police response:* It is hereby found and determined that three (3) or more false alarms initiating police response within any twelve-month permit period is excessive and constitutes a public nuisance

(C) Fine schedule for excessive false alarms requiring police response:

* 3 rd - 5 th false alarm	\$ 50
* 6 th false alarm	\$100
* 7 th false alarm	\$100
* 8 th false alarm	\$250
* 9 th false alarm	\$250
* 10 th false alarm	\$500

(D) *Discontinuance of police response:* The failure of an alarm user to make payment of any service charge imposed under sub-section (c) of this Section within thirty (30) days from the date of receipt shall result in a

discontinuance of police response to alarms that may occur at the premises described in the alarm user's permit until payment is received.

(E) *Reinstatement*: Reinstatement of eligibility for police response to alarm calls will be made only upon receipt of any prior unpaid civil penalties assessed pursuant to this section.

(F) *Excessive false alarms requiring fire response*: It is hereby found and determined that three (3) or more false alarms initiating fire response within any twelve-month permit period is excessive and constitutes a public nuisance.

(G) *Civil penalties for false alarms requiring fire response*: A service charge of \$ 200 shall be assessed for each occurrence of an excessive fire alarm requiring fire department response.

§ 98.07 AUTOMATIC DIALING PROTECTION DEVICES PROHIBITED.

No automatic dial protection device shall be used to report, or cause to be reported, any recorded message to the Charlotte-Mecklenburg Communications Center or the Matthews Police Department.

§98.08 PROHIBITED ACTS.

(A) It shall be unlawful for any person to violate any provisions of this article.

(B) It shall be unlawful for any person to activate a burglary or robbery alarm for the purpose of summoning police when no burglary, robbery, or other crime dangerous to life or property, is being committed, attempted, or reasonably believed to be occurring on the premises.

(C) It shall be unlawful for any alarm user to activate a fire alarm for the purpose of summoning the fire department when no fire, smoke, or reasonable belief of such is present.

(D) It shall be unlawful for an alarm user to fail to reimburse the Town of Matthews, in accordance with the provisions of this article, for response(s) by the Town of Matthews Police Department, the Matthews-Morningstar Volunteer Fire Department, or the Idlewild Volunteer Fire Department to any excessive false alarm(s).

§ 98.09 ENFORCEMENT OF PROVISIONS.

Methods of enforcement: The Town may enforce the provisions of this article by one (1) or a combination of the following methods:

(A) *Civil penalty*: Any person who violates any provision of this article may be fined by a civil penalty of one hundred

dollars (\$100) which may be recovered by the Town in a civil action in the nature of a debt if the violator does not pay the penalty within thirty (30) days from the date the violator is notified of the penalty. Any other service charges imposed by this article may be collected by the Town as a civil penalty in a civil action.

(B) *Equitable remedy*: The Town may apply to a court of competent jurisdiction for an injunction, abatement order or any other appropriate equitable remedy.

§ 98.10 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.”
(Ord. 1062, passed 9-27-99)