

**AN ORDINANCE ADOPTING CHAPTER 99 OF THE BELMONT  
CODE OF ORDINANCES REGARDING THE REGULATION OF ALARM SYSTEMS**

**WHEREAS**, the reasonable regulation of alarm systems is necessary to reduce false alarms, avoid the unnecessary and costly commitment of city resources, and preserve the emergency response capability of the City of Belmont; and

**WHEREAS**, the City of Belmont wishes to amend the City Code of the City of Belmont by adding provisions concerning alarm systems;

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Belmont, North Carolina, that Chapter 99, as follows, be added to the Code of Ordinances:

**CHAPTER 99: REGULATION OF ALARM SYSTEMS**

**§99.01 Purpose & Scope**

The purpose of this ordinance is to encourage alarm users to assume increased responsibility for maintaining the mechanical reliability and proper use of alarms systems; to prevent the unnecessary response of police personnel to false alarms, and thereby to protect the public safety and preserve the emergency response capability of the City of Belmont.

**§99.02 Definitions**

For the purposes of this ordinance, the following words or phrases shall have the following meanings:

Alarm Permit: A permit issued by the City of Belmont allowing the operation of an alarm system within the City.

Alarm System: Any assembly of equipment or devices, mechanical, electrical or electronic, arranged to signal the occurrence of an illegal entry or other activity requiring immediate attention and to which police personnel are expected to respond, but does not include alarms installed in motor vehicles, or fire alarms.

Alarm Signal: A detectable signal, either audible or visible, generated by an alarm system, to which the police are expected to respond.

Alarm System Coordinator: An employee of the City designated by the Chief of Police to administer this Ordinance.

Alarm User: Any person, firm, partnership, association, corporation, 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 Dialing Device: An automatic dialing device or an automatic telephone dialing

alarm system which, upon activation, is programmed to select one or more predetermined telephone numbers and transmit an emergency message by tape or electronic signal indicating a need for police response.

Chief of Police: The Chief of Police of the Belmont Police Department or his designee.

City: The City of Belmont, North Carolina.

Communications Center: The Belmont Police Department's Communications Center.

False Alarm: The activation of an alarm system through mechanical or electronic failure, malfunction, improper installation, or the negligence of the alarm user, his employees or agents, which results in signals activated to summon police unless law enforcement response was canceled by the alarm user or his agent before police personnel arrive at the alarm location.

- (a) The term "false alarm" shall not include a signal which can be reasonably determined to have been caused or activated as a direct result of external events such as unusually violent conditions of nature or other extraordinary circumstance not reasonably subject to control by the alarm user.
- (b) An alarm activated during an alarm system testing procedure shall not be considered a false alarm if the user first notifies and receives permission from the users alarm company (or designee) and the Alarm System Coordinator, to test the system.
- (c) An alarm is false within the meaning of this ordinance when, upon inspection by responding police personnel, 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.

Police Department: The City of Belmont Police Department.

### **§99.03 Alarm User Permits Required**

- (A) Permit Required: No person shall operate or use any alarm system, as defined in this ordinance, which is designed to elicit, either directly or indirectly, a police response without first obtaining a permit for such alarm system from the City of Belmont or its designee. No person shall use an alarm system when the alarm permit for that system has been revoked pursuant to this ordinance. Failure to registrar alarm will result in a \$50.00 fine.
- (B) Application: The permit shall be requested on an application form provided by the City of Belmont. An alarm user has the duty to obtain an application from the City.
- (C) Transfer of Possession: Alarm system permits shall be issued in the name of the person or entity in actual possession of the premise which the alarm system is designed to protect.

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 system 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 in writing within thirty (30) days of the change. In addition, permit holders may periodically receive a form from the Coordinator requesting updated information. Upon receipt of such request, the permit holder shall complete and return this form to the Coordinator when any of the requested information has changed.
- (E) Alarm Reset Required: An alarm user may not install, maintain or use any audible alarm system which can sound continuously for more than fifteen (15) minutes.
- (F) Alarm Registration Fees: The City of Belmont will charge \$20.00 per single housing unit and a \$40.00 per business unit for the initial registration of an alarm system. These fees must be paid during the application process.
- (G) Exemption: Any audible alarm system which does not contact an alarm monitoring company which contacts the police for a response.

#### **§99.04 Issuance of Permit Decals**

No person shall use an alarm system without posting at the front entrance of the premises served by the alarm system the alarm permit decal issued by the City or its designee. This decal must be prominently posted at the front entrance of the premises so that the information provided on the decal is visible from the outside of the structure.

#### **§99.05 Multiple Alarm Systems**

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

#### **§99.06 Response to Alarm; Determination of validity**

- (A) Police Response: When an alarm is activated within the City and police personnel respond, the police officer on the scene shall inspect the area and determine whether the police 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 at the scene of the activated alarm system determines the alarm to be false, the officer shall make a report of the false alarm, and shall notify the alarm user of the false alarm by leaving a preprinted notice form at the scene. This notice form shall also describe to the alarm user the process by which he or she can appeal and request a review of the false alarm determination.

- (C) Inspection: The Chief of Police shall have the right to inspect any alarm system on the premises to which a police response has been made at any reasonable time thereafter to determine whether it is being used in conformity with the terms of this ordinance.

#### **§99.07 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. Such review shall be conducted by the Coordinator only if the alarm user requests the review **in writing** within ten (10) days of the date that the false alarm occurred. A written request for review of a false alarm determination by the Alarm Systems Coordinator shall include the following information:
- (a) Alarm user name;
  - (b) Address at which the alarm system is installed;
  - (c) Date and time of the false alarm that is being contested;
  - (d) Alarm user permit number; and
  - (e) Facts upon which the request for review of the false alarm determination is made.
- (B) Disposition of Review: The Alarm Systems Coordinator will review each request for appeal and may make changes if he believes the call should not have been categorized as false. The decision of the Alarm Systems Coordinator shall be final.

#### **§99.08 Service Charge Assessment for False Alarms; Revocation and Reinstatement of Alarm User Permits**

- (A) Excessive False Alarms: It is hereby found and determined that three (3) or more false alarms within a permit year is excessive and constitutes a public nuisance.
- (B) Permit Year: For the purpose of this section, a permit year is a 12-month period beginning on the date of the permit's issuance.
- (C) Civil Penalties: The following civil penalties shall be imposed for excessive false alarms within the permit year:
- (1) The 3rd through 5th false alarms within a 12-month period will be billed a fifty dollar (\$50.00) service charge per occurrence which shall be considered a bill owed by the alarm user to the City and may be collected from the alarm user as a civil penalty.
  - (2) Each \$50.00 service charge incurred for the 3rd through 5th false alarms at the premises described in the alarm user's permit shall be paid within thirty (30) days from date of receipt of the invoice.
  - (3) Audible Alarm Systems Only: The second alarm within a 12-month period will be billed a one hundred dollar (\$100.00) service charge per occurrence which shall be considered a bill owed by the alarm user to the City and may be collected from the

alarm user as a civil penalty. Each additional alarm received after the second alarm will increase the fine fifty dollars (\$50.00) per incident.

(D) Revocation of Alarm Permit: The 6th false alarm within a permit year and all false alarms thereafter shall result in the revocation of the alarm user's permit in the following manner:

- (1) The alarm user shall be given ten (10) days advance written notice that the alarm permit will be revoked. This written notice shall set forth the reason(s) for such revocation.
- (2) The notice shall specify the effective date of revocation and that the police department will discontinue responding to alarms that occur at the premises described in the revoked permit after the date of revocation.

(E) Reinstatement of Alarm Permit: Reinstatement of both the permit and eligibility for police response to alarm calls will be made only upon receipt of any prior unpaid civil penalties assessed pursuant to this section and receipt of the applicable service charge for each false alarm as set forth below:

6th False Alarm -	\$100.00
7th False Alarm -	\$200.00
8th False Alarm -	\$300.00
9th False Alarm -	\$400.00
10th and each additional false alarm -	\$500.00

(F) Discontinuance of Police Response: The failure of an alarm user to make payment of any service charge imposed under this section within thirty (30) days from date of receipt shall result in a discontinuance of police response to alarms that may occur at the premises described in the alarm permit until payment is received.

### **§99.09 Automatic Dialing Devices Prohibited**

It shall be unlawful for any person to program an automatic dialing device to select any telephone line serving the Belmont Police Department. No automatic dialing device shall be used to report, or cause to be reported, any recorded message to the Police Department.

### **§99.10 Prohibited Acts**

- (A) It shall be unlawful for any person to violate any provision of this ordinance.
- (B) It shall be unlawful for any person to activate a burglary 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.
- (C) It shall be unlawful for an alarm user to fail to reimburse the City of Belmont, in accordance with the provisions of this ordinance, for response(s) by the Belmont Police Department to

any false alarm(s).

**§99.11 Enforcement of Provisions**

- (A) Methods of Enforcement: The City may enforce the provisions of this article by one (1) or combination of the following methods:
- (1) Civil Penalty: Any person who violates any provision of this ordinance may be fined by a civil penalty of fifty dollars (\$50.00) 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 thirty (30) days from the date the violator is notified of the penalty. Any other service charges imposed by this ordinance may be collected by the City as a civil penalty in a civil action.
  - (2) Equitable Remedy: The City may apply to a court of competent jurisdiction for an injunction, abatement order, or any other appropriate equitable remedy.

**§99.12 Severability**

If any provision of this ordinance 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 ordinance are deemed to be severable.

**§99.13 Use of Alarm Fees Collected**

All fees and fines collected from the alarm ordinance shall be used by the Belmont Police Department for the cost associated with enforcement, monitoring, and any false alarm prevention programs, as established by the police department.

This ordinance shall be effective the 7<sup>th</sup> day of November, 2005.

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Mayor

Attest:

Approved as to Form:

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney