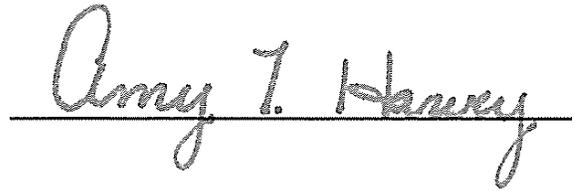


I, Amy T. Harvey, Acting Town Clerk of the Town of Chapel Hill, North Carolina, hereby certify that the attached is a true and correct copy of (2013-10-28/O-7) enacted as amended by the Chapel Hill Town Council on October 28, 2013.

This the 15th day of December, 2013.

A handwritten signature in cursive script that reads "Amy T. Harvey". The signature is written in black ink and is positioned above a solid horizontal line.

**Amy T. Harvey
Acting Town Clerk**



AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES TO INCLUDE AN ARTICLE ON ALARM MANAGEMENT (2013-10-28/O-7)

BE IT ORDAINED by the Town of Chapel Hill as follows:

Section 1. That existing Sec. 15-1 and Sec. 15-2 are hereby designated as Article I., Chapter 15 IN GENERAL.

Section. 2. That a new Article II., Chapter 15 is hereby added to the Town Code to read as follows:

“ARTICLE II. ALARM MANAGEMENT

Sec. 15-3. Definitions.

Alarm Permit. A permit issued by the Police or Fire Department allowing the operation of an alarm system within the Town.

Alarm Signal. A detectable signal, either audible or visual, generated by an alarm system being monitored or designed to exteriorly annunciate, requiring the Police or Fire Department to respond.

Alarm System. Any single device or assembly of equipment designed to monitor and/or exteriorly annunciate the occurrence of an illegal entry, robbery or other activity requiring police response or designed to signal the detection of fire, or products of combustion, in a building, structure, or premises, or to signal an actual fire or initiate a response for medical assistance regardless of whether the call for response comes from a monitoring service, the alarm user, a neighbor, or results from a police officer or firefighter hearing the alarm system.

Alarm Systems Coordinator. An employee of the Police and Fire Departments designated to administer this article.

Alarm User. A person, corporation, partnership, proprietorship, association, 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.

False Alarm.

- (1) Any signal communicated by any means that solicits a response from the Police or Fire Department to which the responding units find no evidence of fire or products of combustion or medical emergency or no evidence of unauthorized intrusion, robbery, or other such crime in or on premises. False alarms include, but are not limited to:

- a. **Error or mistake:** Any action by any person, firm or corporation, association, or other entity or agency thereof, owning or operating any dwelling, building or place, which results in the activation of any alarm system when no emergency exists.
 - b. **Malfunction:** Any activation of any alarm system caused by a flaw in the normal operation, design, installation, or maintenance of the system, by faulty equipment, or by a change in the environment or premises upon, or within which, the alarm system is operating.
 - c. **Intentional misuse:** Any activation of an alarm system when one knows, has reason to know, or should have known no fire or other emergency is in progress.
 - d. **Failure to notify alarm-monitoring service of testing:** Any alarm transmitted to the police or fire department while alarm is being tested by personnel without notifying the alarm service of test results.
- (2) An alarm will not be considered to be a false alarm if it is determined by the responding officer in charge, that the alarm was caused by:
- a. Natural or manmade catastrophe, or an act of God. Such events include, but are not limited to tornadoes, floods, earthquakes, or other similarly violent conditions or adverse weather conditions.
 - b. The testing of a local/audible alarm system by a licensed alarm business, agent, or employee who is present at the premises servicing, repairing or installing the alarm when the agent or user has contacted the alarm company and informed them of the test.
 - c. Activation by other circumstances not reasonably subject to control by the alarm user.

Permit year. is any continuous twelve month period following registration of an alarm, as required by this article.

Sec. 15-4. Alarm Permit Required.

- (a) An alarm user must obtain an alarm permit from the alarm systems coordinator. It shall be unlawful for any alarm user to operate an alarm system, as described in the definitions section of this article, within the corporate limits of the Town of Chapel Hill, without obtaining a permit within ten (10) business days of initial operation or within ten (10) business days from the effective date of the ordinance from which this article is derived, whichever comes last. No person shall use an alarm system when the alarm permit for that system has been revoked by the alarm systems coordinator.

- (b) The Police and Fire Departments will jointly establish standard operating procedures for the administration of this article.
- (c) The alarm user must provide complete, accurate information on the alarm permit application, including his name, the address of the premises upon which the system has been or will be installed, the mailing address, the telephone number, the type of alarm system and the business(es) selling, monitoring, inspecting, responding to, and maintaining the alarm system. The alarm user must also provide two persons as means of contact who can respond to the location of the alarm.
- (d) The alarm user must provide any changes from the information provided on the alarm permit application to the alarm systems coordinator within (10) business days of the change.
- (e) When possession of the alarm system protected premises changes, the person obtaining possession of the property shall file an application for an alarm user permit to the alarm systems coordinator within ten (10) business days of obtaining possession of the property. Alarm permits are not transferable.
- (f) An alarm user, maintaining multiple alarm systems, whether in the same or different locations, shall be required to obtain an alarm permit for each system.

Sec. 15-5. Alarm Reset Feature.

An alarm user may not install, maintain, or use an audible Alarm System which can sound for more than fifteen (15) minutes when activated. All alarms must have an automatic reset feature that resets the alarm within fifteen (15) minutes.

The reset feature does not apply to fire alarm systems.

Sec. 15-6. False Alarms.

- (a) **Response.** Whenever an alarm is activated in the Town and the Police or Fire Department does respond, an officer on the scene of the activated alarm system shall determine whether the alarm was a false alarm as defined in the definitions section of this article. Such notification should be given to the communications center by the commander or officer responding to the alarm.
- (b) **Notification.** In the case of false alarms, the officer will leave a written notice of the false alarm at, or attached to, the alarm system premises.

Sec. 15-7. Appeal of False Alarm Determination and Charges.

When requested in writing by the alarm user within ten (10) business days of response to a false alarm, the alarm systems coordinator will review the basis of the officer's determination that an alarm was false. 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 the alarm is installed;
- (3) Date and time of the false alarm that is being contested;
- (4) Alarm user permit number; and
- (5) Facts to establish that the alarm was not false.

Sec. 15-8. Civil Penalty for False Alarms and Failure to Obtain Applicable Alarm Permit.

- (a) EXCESSIVE FALSE ALARMS. Four (4) or more false alarms within a permit year is excessive.
- (b) FAILURE TO RESPOND. If a key holder does not respond within thirty (30) minutes of the alarm, this failure to respond will be considered a false alarm.
- (c) CIVIL PENALTIES. Excessive false alarms for any alarm system within a permit year shall subject the alarm user to a civil penalty according to the following schedule:

TABLE INSET:

<u>Number of False Alarms</u>	<u>FIRE Civil Penalty</u>	<u>Police Civil Penalty</u>
<u>Four or Five</u>	<u>\$100.00 each</u>	<u>\$ 100.00 each</u>
<u>Six or Seven</u>	<u>\$200.00 each</u>	<u>\$ 200.00 each</u>
<u>Eight or Nine</u>	<u>\$300.00 each</u>	<u>\$ 300.00 each</u>
<u>Ten or More</u>	<u>\$500.00 each</u>	<u>\$ 500.00 each</u>

- (d) Upon determination that a permit has exceeded any of the above number of false alarms, the alarm systems coordinator, or his designee, shall issue and deliver, by mail, a notification invoice of the civil penalty to the alarm user. Each civil penalty must be paid within thirty (30) days of notification. Each civil penalty, which is not paid, when due, may be recovered by the Town in a civil action in the nature of debt.

- (e) FAILURE TO OBTAIN APPLICABLE ALARM PERMIT. Any person or firm who fails to register their alarm system with the Town alarm systems coordinator shall be subject to a civil penalty in the nature of a debt in the amount of one hundred dollars (\$100.00).

- (f) DISCONTINUANCE OF ALARM PERMIT. In addition to any and all legal remedies, including the costs associated with an action for collection, if the Alarm User fails to pay civil penalties imposed under this section within thirty (30) days of notification to alarms that may occur at the premises where the Alarm User is in arrears for fees incurred, the Alarm Systems Coordinator will notify the Police Department when such a situation arises, and the Police Department will cease to respond to any alarm signal with the exception of robbery, hold-up alarms and panic alarms.

The Alarm Systems Coordinator is authorized to revoke the Alarm User's permit after the tenth (10) false alarm within a consecutive twelve month period. Police response will be discontinued thereafter with the exception of robbery, hold-up alarms and panic alarms.

- (g) REINSTATEMENT OF ALARM PERMIT. An Alarm User whose eligibility for police response to alarm calls has been revoked will be reinstated only after payment of all prior unpaid civil penalties assessed and compliance with notification provisions as provided for under this ordinance. In addition, permits revoked after the 10th false alarm may be reinstated by the Alarm Systems Coordinator by providing documentation showing the Alarm System has been inspected by an individual who is licensed by the North Carolina Licensing Board certifying that the Alarm System is in proper working condition.

Sec. 15-9. 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 of 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.”

Section 3. This ordinance shall become effective on January 1, 2014.

This the 28th day of October, 2013