PUBLIC NOTICE

The Ashe County Board of Commissioners will a hold a public hearing on Monday, November 18, 2019 during their Regular Meeting which begins at 9:00 a.m. in the commissioner's meeting room (small courtroom) on the third floor of the Ashe County Courthouse. The purpose of the public hearing is to solicit comments on amendments to the Alarms Systems Ordinance, Chapter 96, of the Ashe County Code of Ordinances. Copies of amendments to the ordinance are available at the Ashe County Manager's Office on the second floor of the Ashe County Courthouse.

Clerk to the Board Ann Clark

11/6/2019

CHAPTER 96: ALARM SYSTEMS

Section

96.01 Alarm user permits required

96.02 Multiple alarm systems

96.03 Response to alarm; determination of validity

96.04 Review of false alarm determinations

96.05 Service charge assessment for false alarms and reinstatement of alarm user permits

96.06 Automatic dial protection devices prohibited

96.07 Prohibited acts

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§ 96.01 ALARM USER PERMITS REQUIRED.

(A) *Permit required.* No person shall use an alarm system, which is designed to elicit, either directly or indirectly, a police response without first obtaining a permit for such alarm system from the County Sheriff's Department or its designee. No person shall use an alarm system when the alarm permit for that system has been revoked pursuant to § 96.05(B)(2).

(B) *Application.* The permit shall be requested on an application form provided by the County Sheriff's Department. An alarm user has the duty to obtain an application from the County Sheriff's Department.

(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 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 Chief Dispatcher within 30 days of the change. In addition, each year after the issuance of the permit, permit holders will receive from the Chief Dispatcher a form requesting updated information. The permit holder shall complete and return this form to the Chief Dispatcher when any of the requested information has changed.

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

(Ord. passed 7-17-96) Penalty, see § 96.99

§ 96.02 MULTIPLE ALARM SYSTEMS.

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

(Ord. passed 7-17-96)

§ 96.03 RESPONSE TO ALARM; DETERMINATION OF VALIDITY.

(A) *Police response.* Whenever an alarm is activated in the unincorporated area of the county and the County Sheriff's Department does respond, a deputy on the scene of the activated alarm system shall inspect the area and shall 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 deputy at the scene of the activated alarm system determines the alarm to be false, the deputy shall make a report of the false alarm. An alarm user shall be notified of each false alarm determination.

(C) *Inspection.* The Sheriff 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 chapter.

(Ord. passed 7-17-96)

§ 96.04 REVIEW OF FALSE ALARM DETERMINATIONS.

Request for review. The Chief Dispatcher shall, when requested by an alarm user, review the determination that an alarm was false. Such review shall be conducted by the Chief Dispatcher only if the alarm user requests in writing such a review within ten days of the date that the alarm user was notified of the false alarm determination. The written request for review of a false alarm determination by the Chief Dispatcher shall include the following information.

(A) Alarm user name;

(B) Address at which alarm is installed;

(C) Date of false alarm that is being contested;

(D) Alarm user permit number;

(E) Facts upon which the request for review of the false alarm determination is made.

(Ord. passed 7-17-96)

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

(A) *Excessive false alarms.* It is hereby found and determined that three or more false alarms within any 12-month period is excessive and constitutes a public nuisance.

(B) *Civil penalties.*

(1) The third through fifth false alarms within a 12-month period will result in the alarm user being billed a $50 service charge per occurrence which shall be considered a bill owed by the alarm user to the county and may be collected from the alarm user as a civil penalty. Each $50 service charge incurred for the third through fifth false alarms at the premises described in the alarm user's permit shall be paid within 30 days from date of receipt of the invoice.

(2) The sixth false alarm within a 12-month period, and all false alarms thereafter, shall result in the revocation of the alarm user's permit in the following manner:

(a) The alarm user shall be given ten days' advance written notification that the alarm user's permit will be revoked. This written notice shall set forth the reasons for such revocation.

(b) The notice shall specify the specific date of revocation and that the County Sheriff's Department will discontinue responding to alarms that occur at the premises described in the revoked permit after the date of revocation.

(c) 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 as set forth below:

6th false alarm	–	$100
7th false alarm	–	$100
8th false alarm	–	$250
9th false alarm	–	$250
10th and over false alarms	–	$500 per false alarm

(C) *Permit year.* For the purposes of this section, a permit year is a 12-month period beginning on the date of the permit's issuance.

(D) *Discontinuance of police response.* The failure of an alarm user to make payment of any service charge imposed under this section within 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 user's permit until payment is received.

(Ord. passed 7-17-96) Penalty, see § 96.99

§ 96.06 AUTOMATIC DIAL PROTECTION DEVICES PROHIBITED.

No automatic dial protection device shall be used to report, or cause to be reported, any recorded message to the County Sheriff's Department on or after October 1, 1997.

(Ord. passed 7-17-96) Penalty, see § 96.99

§ 96.07 PROHIBITED ACTS.

(A) It shall be unlawful for any person to violate any provision of this chapter.

(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 county, in accordance with the provisions of this chapter, for response(s) by the County Sheriff's Department to any false alarm(s).

(Ord. passed 7-17-96) Penalty, see § 96.99

§ 96.08 ENFORCEMENT OF PROVISIONS.

The County Sheriff's Department may enforce the provisions of this chapter by one or a combination of the methods set forth in § 96.99.

(Ord. passed 7-17-96)

§ 96.99 PENALTY.

(A) *Civil penalty.* Any person who violates any provision of this chapter may be fined by a civil penalty of $100 which may be recovered by the county in a civil action in the nature of a debt if the violator does not pay the penalty within 30 days from the date the violator is notified of the penalty. Any other service charges imposed by this chapter may be collected by the county as a civil penalty in a civil action. All service charges and penalties collected by the county or the County Sheriff's Department pursuant to this chapter must be paid to the county within 30 days of receipt unless the county provides in an interlocal cooperation agreement some other application of such service charges and civil penalties.

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

(Ord. passed 7-17-96)

CHAPTER 96: ALARM SYSTEMS

Section

96.01 Alarm System Requirements

96.02 Multiple alarm systems

96.03 Response to alarm; determination of validity

96.04 Review of false alarm determinations

96.05 Service charge assessment for false alarms

96.06 Automatic dial protection devices prohibited

96.07 Prohibited acts

96.08 Enforcement of provisions

96.99 Penalty

§ 96.01 ALARM SYSTEM REQUIREMENTS

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

(B) *Faulty alarm standby.* An alarm user may not install, maintain or use an alarm systems that does not have a bypass or standby mode in the event continuous false alarms are occuring.

(Ord. passed 7-17-96) Penalty, see § 96.99

§ 96.02 MULTIPLE ALARM SYSTEMS.

(A) If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses, and any one or more of the installed alarm systems have activated with false alarms in a manner that disqualifies the address of that alarm system from police response;

(1) It shall only affect the police response to the specific address(s) and structure(s) monitored by the false activating alarm system.

(2) Police response will remain active at the additional address(s) and structure(s) not monitored by the installed alarm system that has violated this ordinance.

(Ord. passed 7-17-96)

§ 96.03 RESPONSE TO ALARM; DETERMINATION OF VALIDITY.

(A) *Police response.* Whenever an alarm is activated in the unincorporated area of the county and the County Sheriff's Department responds, a deputy on scene of the activated alarm system shall inspect the area and determine if the police response was in fact necessary as indicated by the alarm system or if the alarm was a false alarm.

(B) *Notification.* If the deputy at the scene of the activated alarm system determines the alarm to be false, the deputy shall make a report of the false alarm. An alarm user shall be notified of each false alarm determination.

(C) *Inspection.* The Sheriff 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 chapter.

(Ord. passed 7-17-96)

§ 96.04 REVIEW OF FALSE ALARM DETERMINATIONS.

Request for review. The Ashe County Sheriff's Office shall, when requested by an alarm user, review the determination that an alarm was false. Such review shall be conducted by the Ashe County Sheriff's Office only if the alarm user requests in writing such a review within ten days of the date that the alarm user was notified of the false alarm determination. The written request for review of a false alarm determination by the Ashe County Sheriff's Office shall include the following information.

(A) Alarm user's name;

(B) Address at which alarm is installed;

(C) Date of false alarm that is being contested;

(E) Facts on which the request for review of the false alarm determination is made;

(Ord. passed 7-17-96)

§ 96.05 SERVICE CHARGE ASSESSMENT FOR FALSE ALARMS

(A) *Excessive false alarms.*

(1) It is hereby found and determined that three or more false alarms within any 12-month period is excessive and constitutes a public nuisance.

(B) *Civil penalties.*

(1) The third through fifth false alarms within any 12-month period will result in the alarm user being billed a $50 service charge per occurrence which shall be considered a bill owed by the alarm user to the county and may be collected from the alarm user as a civil penalty. Each $50 service charge incurred for the third through fifth false alarms at the premises shall be paid within 30 days from date of receipt of the invoice.

(2) The sixth false alarm within a 12-month period, and all false alarms thereafter, shall result in the County Sheriff's Department discontinuing responses to alarms that occur at the premises as well as increasing civil penalties as listed below:

6th false alarm	–	$100
7th false alarm	–	$100
8th false alarm	–	$250
9th false alarm	–	$250
10th and over false alarms	–	$500 per false alarm

(C) *Discontinuance of police response.*

(1) The failure of an alarm user to make payment of any service charge imposed under this section within 30 days from date of receipt shall result in a discontinuance of police response to alarms that may occur at the premises until all civil penalty payments are satisfied in full.

(D) Reinstatement of police response

(1) Any premises the has an installed alarm system that has violated the aforementioned ordinance in such that police response has discontinued may only have police response reinstated once the following conditions are met.

(A) All civil penalties have been satisfied in full by the alarm user to the county. Penalty, see § 96.99

(B) All necessary repairs, adjustments and/or corrections to the installed alarm system have been corrected in manner as such to prevent additional false alarms.

(Ord. passed 7-17-96) Penalty, see § 96.99

§ 96.06 AUTOMATIC DIAL PROTECTION DEVICES PROHIBITED.

(A) No automatic dial protection device shall be used to report, or cause to be reported, any recorded message to the County Sheriff's Department on or after October 1, 1997.

(Ord. passed 7-17-96) Penalty, see § 96.99

§ 96.07 PROHIBITED ACTS.

(A) It shall be unlawful for any person to violate any provision of this chapter.

(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 county, in accordance with the provisions of this chapter, for response(s) by the County Sheriff's Department to any false alarm(s).

(Ord. passed 7-17-96) Penalty, see § 96.99

§ 96.08 ENFORCEMENT OF PROVISIONS.

(A) The County Sheriff's Department may enforce the provisions of this chapter by one or a combination of the methods set forth in § 96.99.

(Ord. passed 7-17-96)

§ 96.99 PENALTY.

(A) *Civil penalty.*

Any person who violates any provision of this chapter may be fined by a civil penalty of $100 which may be recovered by the county in a civil action in the nature of a debt if the violator does not pay the penalty within 30 days from the date the violator is notified of the penalty. Any other service charges imposed by this chapter may be collected by the county as a civil penalty in a civil action. All service charges and penalties collected by the county or the County Sheriff's Department pursuant to this chapter must be paid to the county within 30 days of receipt unless the county provides in an inter local cooperation agreement some other application of such service charges and civil penalties.

(B) Equitable remedy.

The county may apply to a court of competent jurisdiction for an injunction, abatement order or any other appropriate equitable remedy.

(Ord. passed 7-17-96)