



AN ORDINANCE TO REGULATE BURGLARY AND ROBBERY ALARM SYSTEMS

SECTION 1. Purpose.

The purpose of this ordinance is to establish regulations governing burglary and robbery alarm systems requiring response thereto by the Pine Level Police Department. The terms of this ordinance shall in no way prohibit alarm companies from providing service by private source to other offices within or outside the Town of Pine Level.

SECTION 2. Definitions.

(a) Alarm business means the business by any individual, partnership or corporation servicing, repairing, altering, replacing, moving or installing any alarm system, or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved or installed any alarm system in or on any building, structure or facility, and shall not include any other activity of the business.

(b) Alarm installation means any alarm device or combination of devices installed for one or more buildings.

(c) Alarm system means any electronic or mechanical device which emits any signal (electronic, visible, audible, silent, recorded or otherwise) which is designed, intended, or used to detect an unauthorized entry into a building, structure, or premises, to signal an attempted robbery or holdup, or to alert others of the commission of an unlawful act in or around a building, structure, or premises.

(d) Alarm user means any person, corporation, partnership, proprietorship, governmental or educational entity owning or leasing an alarm system, or on whose premises an alarm system is maintained for the protection of the premises.

(e) Automatic dialing device means any type of device that automatically sends signals over regular telephone lines as opposed to dedicated alarm lines.

(f) Chief of Police means the chief of police of the Pine Level Police Department or his designee.

(g) Dedicated alarm line means a special leased telephone line circuit maintained for the sole purpose of transmitting alarm signals.

(h) Digital alarm means an alarm system which automatically sends signals over regular telephone lines connecting to a digital receiving console, as opposed to a telephone hand set.

(i) Direct connecting alarm means an alarm utilizing dedicated alarm lines to connect to a remote receiving console.

(j) Local alarm means an alarm or device which produces a signal not connecting in any way to any alarm monitoring centers, such as store or home burglar alarms actuating bell devices.

(k) Tape dialer alarm means an alarm system which automatically sends a signal over regular telephone lines and plays a pre-recorded message.

SECTION 3. General regulations.

(a) The alarm user shall be responsible for knowing the contents of this ordinance.

(b) Alarm systems may be connected directly to a private alarm control center, or may be a local alarm.

(c) All automatic-dialing devices shall conform with section 4 of this ordinance.

(d) Local alarms shall be of a type that sounds for no more than fifteen (15) minutes.

(e) Any alarm existing as of the effective date of this ordinance shall also be governed by the regulations of this ordinance.

(f) Each local alarm user shall furnish to the Pine Level Police Department the name(s) and telephone number(s) of at least one, no more than three (3) persons, authorized and able to deactivate the alarm system.

(g) After the effective date of this ordinance, it shall be unlawful to connect a local alarm without first notifying the Pine Level Police Department of the name(s) and telephone number(s) of person(s) authorized and able to deactivate the alarm system. Any changes in the name(s) or telephone number(s) of person(s) authorized and able to deactivate the alarm system must be communicated to the Pine Level Police Department immediately.

(h) Burglar alarm systems installed within the Town of Pine Level shall be equipped with an automatic bell time cut-off module to prevent continuous alarm sounding when the user is unavailable to manually silence the alarm. System or test devices which give a delay of ten (10) seconds or longer prior to alarm system activation in order to warn the alarm user of an open alarm circuit are highly recommended for all burglar alarm systems to prevent false alarms.

(i) Alarm systems installed after the effective date of this ordinance will be required to have reset capabilities, and to reset within fifteen (15) minutes. An alarm system cut-off shall be installed to override all malfunctioning alarms. Users whose alarm systems were installed prior to the effective date of this ordinance shall have one year from the effective date of this ordinance to convert their systems to comply with the provisions herein.

SECTION 4, Automatic-dialing devices; interconnection to police department.

(a) No automatic dialing device shall be interconnected to any telephone numbers of the Pine Level Police Department or communications center after the effective date of this chapter.

(b) Each separate violation of this section shall be deemed a separate punishable offense under section 9.

SECTION 5. Alarm responses.

(a) If, within any twelve-month period, following first response, the Pine Level Police Department responds to three (3) alarms (including the first) at the same premises or location where no evidence indicates that an unauthorized entry, robbery, or other crime was committed or attempted, the chief of police shall send a letter to the alarm user informing him of the alarms and encouraging the review or repair of the alarm system.

(b) If, within any twelve-month period, following first response, the Pine Level Police Department responds to a sixth or subsequent alarm (including the first) at the same premises or location where no evidence indicates that an unauthorized entry, robbery, or other crime was committed or attempted, the alarm user shall reimburse the Town of Pine Level for the cost of responding, at a flat rate of twenty-five (\$25) dollars for each response.

(c) The alarm user or his representative shall reset an alarm system when notified by the Pine Level Police Department that the alarm has activated. When an alarm sounds continuously for a period of sixty (60) minutes from the time officers respond to the alarm, due to the failure of the alarm user or his representatives to reset the alarm, every subsequent sixty-minute period or portion thereof that the alarm continues to sound shall be deemed a separate alarm. The alarm user shall reimburse the Town of Pine Level at a flat rate of ten (\$10) dollars for each alarm resulting from the continuous operation of an alarm, not to exceed one hundred (\$100) dollars for any twenty-four hour period.

(d) It is the intent of this ordinance that the date of the first response to an alarm user shall become the anniversary date for any twelve-month period calculated herein, and upon each anniversary date that alarm user's number of responses shall be reduced to zero (0).

SECTION 6. Exclusions.

(a) For the purpose of computing the number of alarm responses in section 5, an alarm shall not include an alarm that is determined to have been activated by adverse weather conditions, a failure in the electrical power to the alarm, or any other condition beyond the control of the alarm user.

(b) A local alarm activated during alarm system testing procedures shall not be considered an alarm for the purpose of computing alarm responses, if the alarm user first notifies the Town of Pine Level Police Department.

SECTION 7. Authority to waive reimbursement.

The Town Board shall have the power to waive any fee charged to an alarm user when the alarm user submits evidence that an alarm to which an officer responded was not the result of negligence or evidence that indicates an unauthorized entry, robbery or other crime was committed or attempted. Such an alarm shall not be considered an alarm for the purposes of section 5.

SECTION 8. Prohibited Acts.

(a) 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, is being committed or attempted on the premises; or otherwise to cause a false alarm.

(b) It shall be unlawful for an alarm user to fail to reimburse the Town of Pine Level, in accordance with section 5 of this ordinance, for alarm response(s) by the Pine Level Police Department.

SECTION 9. Enforcement of violations.

(a) Violations of section 8 of this chapter shall be a misdemeanor, punishable by a fine of not more than fifty (\$50) dollars, or imprisonment for not more than thirty (30) days.

(b) All other violations of this ordinance, to include failure to pay the fees imposed by section 5 within fourteen (14) days, shall subject the offender to a civil penalty of fifty dollars (\$50.00). Such civil penalty may be recovered by the Town of Pine Level in a civil action in the nature of a debt, pursuant to North Carolina General Statute 160A-175(c).

(c) Effective the date of this ordinance, all alarm users shall begin with a zero number of responses for purposes of section 5.

SECTION 10. Severability.

If any provision of this ordinance is for any reason held to be unconstitutional or invalid, such provision shall be deemed severable.

SECTION 11. Effective date.

This ordinance shall be effective on the 12th day of April 1994.

DULY ADOPTED, THIS THE 12th DAY OF April 1994.

Attest:

W. C. Wilkins, Mayor

Sharon Thompson, Town Clerk

(SEAL)