

CHAPTER 132: BURGLAR AND FIRE ALARMS

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§ 132.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALARM CONTRACTOR. Any person, corporation, proprietorship, partnership or other organization engaged in the business of selling, leasing, installing, maintaining and/or monitoring alarm systems installed on the premises of another for the purpose of protection of the premises.

ALARM SYSTEM.

(1) 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, or to signal an attempted robbery, burglary or holdup.

(2) In addition, **ALARM SYSTEMS** may also refer to fire, heat, smoke or other related detection related to fire alarms in general.

(3) **ALARM** shall be deemed to include any device which initiates a telephone call and delivers a recorded message to any emergency telephone number assigned to the communications center or by which a third party telephones any emergency telephone number and requests enforcement services on the basis of having received an automatic signal from a subscriber of an alarm service.

ALARM USER. 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 a premises.

CHIEF. When used in this chapter, the Chief of Police, for the Town of Liberty, his or her designee or agent or the Fire Chief for the Town of Liberty, his or her designee or agent.

FALSE ALARM.

(1) The activation of an alarm system through mechanical or electronic failure, malfunction, improper installation or the negligence of the subscriber, his or her employees or agents, and signals purposely activated to summon police personnel in non-emergency situations unless law enforcement response was cancelled by the alarm user or his or her agent before police personnel arrive at the alarm location.

(2) A **FALSE ALARM** shall not include an alarm which can reasonably be determined to have been activated by adverse weather conditions, a failure in the electrical power to the alarm or other condition beyond the control of the alarm user.

(3) In addition, an alarm activated during an alarm system testing procedure shall not be considered a **FALSE ALARM** if the alarm user first notifies and receives permission from the Randolph County 911 Communications Center to test the system.

(4) An alarm is **FALSE** within the meaning of this chapter when, upon inspection by the Chief of Police, evidence indicates that no unauthorized entry, robbery or other crime was committed or attempted in or on the premises which would have activated a properly functioning alarm system or by the Fire Chief when evidence indicates that no fire, smoke, heat or other source would have properly activated a properly functioning alarm.

TOWN. When used in this chapter, shall mean the Town of Liberty, Liberty, North Carolina, and Randolph County.

(Ord. passed 10-24-2005)

§ 132.02 PERMITS.

(A) It shall be unlawful for any alarm user to operate an alarm system within the corporate limits of the town without first obtaining a permit and paying the 1-time fee as established by the Town of Liberty Fee Schedule.

(B) The application for a permit shall be filed on a form provided by the town collector who will in turn send copies of the permit to the offices of Randolph County 911 Communications Center, the Liberty Police and Fire Departments.

(C) At the time of filing the application, a fee as fixed, from time to time, by the Council shall be paid to the town collector of revenue to cover the cost of issuing and maintaining the permit. No fee will be charged for any permit issued for an alarm system existing on the date of the adoption of this chapter if the permit is obtained prior to October 24, 2005.

(D) (1) Permits shall be renewed without charge upon the application of a permit holder at any time between June 1 and July 1 while the permit is in force.

(2) An applicant shall request renewal in writing and state at that time any changes applicable to his or her initial application for a permit.

(3) No other action on his or her part shall be deemed necessary.

(4) Upon application for renewal, the town fee collector shall issue the applicant a renewal permit covering the period of the new year.

(5) No permit issued under the provisions of this chapter shall be transferable.

(Ord. passed 10-24-2005) Penalty, see § 132.99

§ 132.03 FALSE ALARM.

(A) *Third false alarms.*

(1) If within any calendar year, the Police or Fire Departments responds to 3 false alarms (burglar and or fire alarms, respectfully) at the same premises or location, the Chief of Police or Fire Chief, as appropriate, shall send a notice to the alarm user informing him or her of the false alarm(s) and encouraging the prevention of future false alarms.

(2) The written notice will also advise the alarm user that the fifth and subsequent false alarms will result in a \$100 civil monetary penalty.

(B) *Fifth and subsequent false alarms.*

(1) If within any calendar year, the Police or Fire Departments responds to a fifth or subsequent false alarms at the same premises or location, the alarm user shall be subject to a civil penalty of \$100 for any like alarm(s).

(2) Provided, after the fourth false alarm only, the civil penalty may be waived by the Chief of Police or Fire Chief or their designee upon written evidence from a person or company licensed by the North Carolina Alarm Systems Licensing Board certifying that the false alarm was caused by electronic or mechanical malfunction of the alarm system and that the alarm system has been repaired.

(C) *False alarm with seven days of installation.* Any false alarms occurring within 7 days of installation of a new alarm system for which a permit has been issued shall not be considered false alarms for the purposes of the assessment of civil penalties.

(D) *Continuing alarms.*

(1) An alarm user or his or her representative shall reset an alarm when notified by the Police Department or communications center that the alarm has been activated.

(2) All audible alarms, with the exception of fire alarms which require a manual reset, shall be equipped with an automatic reset device that will reset and cease to sound the alarm after no more than 30 minutes of continuous activation.

(3) When any alarm activates continuously for a period of 60 minutes from the time a town official initially responded to the alarm due to the failure of the alarm user or his or her representative to reset the alarm, it shall be deemed a false alarm and each subsequent 60 minute period or portion thereof that the alarm continues to be activated shall be considered a separate false alarm.

(4) The alarm user shall be subject to a civil penalty for the continuing alarm at a flat rate of \$10 for each false alarm as defined herein, not to exceed \$100 for any 24-hour period.

(5) The absence of direct notice to the alarm user or his or her representative of the activation shall not constitute a defense to these fees if the Police Department, Fire Department or communications center is not reasonably able to contact the person due to the failure of the alarm user to conform to the provisions of this section.

(E) *Fees subject to change.* All fees and/or civil penalties referred to in this section shall be subject to change as approved by the Liberty Town Council and listed in the most current updates of the Liberty Fee Schedule.

(Ord. passed 10-24-2005)

§ 132.04 AUTHORITY TO WAIVE PENALTY.

(A) The Chief of Police shall have the authority, in his or her sole discretion, to waive any penalty charged to an alarm user when a burglary, intrusion or robbery alarm user submits to the Chief of Police adequate evidence that the alleged false alarm was not actually false as defined in § 132.06 below.

(B) The Fire Chief shall have the authority, in his or her sole discretion, to waive any penalty charged to an alarm user when fire, smoke or heat detection alarm user submits to the Fire Chief adequate evidence that the alleged false alarm was not actually false as defined in § 132.06 below.

(Ord. passed 10-24-2005)

§ 132.05 LIABILITY FOR PAYMENT OF CIVIL PENALTIES.

(A) Notwithstanding any contractual agreement between an alarm contractor and an alarm user, the alarm user shall be liable for payment of any civil penalty due the Town of Liberty under section § 132.03 above.

(B) Any town employee authorized by the Chief of Police (or Fire Chief, as appropriate) may issue to the known owner of, or person having control of, any place of business or residence a civil penalty citation giving notice of the violation of this chapter.

(C) Any like employee shall be authorized to secure the name and address of the owner or person in control of the place of business or residence found to be in violation of exceeding the number of alarms allowed.

(D) Citations so issued may be delivered in person or mailed by registered mail to the person charged if he or she cannot readily be found.

(E) Each citation issued shall impose upon the owner or person in charge a civil penalty as prescribed by this chapter which shall be paid to the Town of Liberty, fee collector, within 30 days of receipt in full satisfaction of the assessed civil penalty.

(F) If the civil penalty is not paid within the time prescribed in the citation, the appropriate personnel of the town may initiate a civil action in the nature of debt to collect the civil penalty.

(Ord. passed 10-24-2005)

§ 132.06 OBLIGATIONS OF ALARM CONTRACTORS AND ALARM USERS.

(A) Each alarm user in the Town of Liberty shall post in a conspicuous place on the premises where the alarm system is maintained and shall furnish to the Police Department (or Fire Department, as appropriate) the name(s) and telephone number(s) of the person(s) currently authorized and able to deactivate the alarm system.

(B) It shall be unlawful for an alarm contractor or alarm user to activate an alarm system without first obtaining a permit from the Town of Liberty and notifying the Chief of Police (or Fire Chief, as appropriate) of the name(s) and telephone numbers) of those person(s) authorized and able to deactivate the alarm systems.

(C) It shall be the responsibility of the alarm user to provide an adequate number of responsible persons to permit notification of an activation at any time and to keep this information current.

(Ord. passed 10-24-2005) Penalty, see § 132.99

§ 132.99 PENALTY.

(A) It shall be unlawful for any person to willfully cause a false alarm. A violation of this provision shall be a misdemeanor punishable as provided in G.S. § 14-286.

(B) Any person, firm or corporation violating the provisions of this chapter shall be guilty of a misdemeanor and punished as provided by 10.99, and shall be fined not more than \$500 or imprisoned for not more than 30 days and shall be further subject to the provisions of G.S. § 160A-175.

(Ord. passed 10-24-2005; Am. Ord. passed 11-22-2021)