

**Sec. 9-13.1 ALARMS AND FALSE ALARMS.**

**Sec. 9-13.2 DEFINITIONS.**

**(a) Alarm Administrator** means a person or persons designated by the Director of Public Safety to administer, control and review alarm applications, permits and false alarm reduction efforts.

**(b) Alarm Notification** means a notification intended to summon the Department of Public Safety, which is designed either to be initiated purposely by a person or by an alarm system that responds to a stimulus characteristic of unauthorized intrusion, holdup, fire, or other emergency situation.

**(c) Alarm Company** means the business, by individual, partnership, corporation or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing or monitoring an alarm system in an alarm site.

**(d) Alarm System** means a mechanical or electrical device that emits, transmits or relays a signal intended to summon, or that would reasonably be expected to summon Department of Public Safety services of the City, including but not limited to local alarms. Alarm system does not include:

(1) An alarm installed on a vehicle unless the vehicle is permanently located at a site; nor

(2) An alarm designed to alert only the inhabitants of premises that does not have an external local alarm.

**(e) Alarm Site** means a single premises or location served by an alarm system or systems.

**(f) Alarm User** means any person, firm, partnership, corporation or other entity who (which) uses or is in control of any Alarm System at its Alarm Site.

**(g) False Alarms** shall be defined as any communication generated by or as a result of an alarm system that results in a response by emergency service providers to include law enforcement officers, fire suppression personnel, emergency medical personnel, or rescue personnel and which upon investigation reveals no evidence or indication of criminal activity or other hazard. False alarms shall include negligently or accidentally activated signals; signals which are the results of faulty, malfunctioning or improperly installed or maintained equipment; signals which are purposely

activated to summons the law enforcement personnel in non-emergency situations; and alarms for which the actual cause are not determined. False alarms shall not include signals activated by weather conditions or other causes which are identified and determined by the authorized emergency responder to be beyond the control of the owner.

**(h) False Alarm Notification (F.A.N.)** means an alarm notification to the Public Safety Department or the Union County 911 Center, when the responding emergency service providers find no evidence of a criminal offense, attempted criminal offense, fire, smoke, medical emergency, or other hazardous situation. Excluded from this definition are:

- (1) Alarms occurring during electrical storms, hurricanes, tornadoes, blizzards and acts of God; or,
- (2) The intermittent disruption or disruption of the telephone circuits beyond the control of the alarm company and/or Permit Holder; or,
- (3) Alarms caused by a failure of the equipment at the communications center. Proof of such cause is the responsibility of the Permit Holder.

**(i) Local Alarm** means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and is not monitored by a remote monitoring facility.

**(j) Permit Holder** means the person designated in the application as required in Subsection 9-13.3 who is responsible for responding to alarms and giving access to the site, and who is responsible for proper maintenance and operation of the alarm system and payment of fees.

### **Sec. 9-13.3 REGISTRATION REQUIRED; APPLICATION; FEE**

**(a) Permit Requirements.** Upon receipt of a completed application form an Alarm Permit shall be issued. Alarms operating prior to July 1, 2007 will be required to have a permit by October 1, 2007. Alarms installed as of July 1, 2007 are required to have a permit within thirty (30) days of the installation date. After October 1, 2007, any alarm that is responded to by the Public Safety Department that is not registered will be cited for failure to register the alarm and will be subject to a penalty up to a five hundred dollar (\$500.00) fine and/or thirty (30) days imprisonment. Applications are obtained from the Public Safety Department. There will be no fee required for registration with the Public Safety Department.

**(b) Application Requirements.** The application form for an Alarm Permit shall include such information as required by the Director of Public Safety.

1) Applicant's Name or name of business

2) Alarm Location

3) Alarm Company's name

4) Names & relation of two people with keys to the premises and working knowledge of the Alarm System who could respond within one-half hour of law enforcement and/or fire personnel.

(c) Penalty. If the permit is not obtained within thirty (30) days after notification by the Union Public Safety Department, of such requirement, and continued operation of the alarm system by the owner or tenant occurs, it shall constitute a misdemeanor.

(d) Changes. Any changes in the permit information must be reported within ten (10) days of the change to the Union Public Safety Department Alarm Coordinator, 215 Thompson Blvd. Union, SC 29379, Phone (864) 429-1713; Facsimile (864) 429-1728.

(e) Failure to Respond. There will be a \$100.00 service charge if owner or tenant or designee fails to arrive at premises within one (1) hour of being notified by the Union Public Safety Department or Union County 911 to respond in connection with an alarm activation. The Permit Holder of the alarm on the permit will be the liable party to ensure that personnel are available to respond upon request.

(f) Revocations. Failure to pay any service charges within thirty (30) days shall constitute grounds for revocation of an alarm system permit by the Union Public Safety Department. Continued operation after revocation shall constitute a misdemeanor. Each day of operation after revocation shall constitute a separate offense.

(g) Reinstatement. To reinstate a revoked alarm permit will require payment of all amounts owing.

#### **Sec. 9-13.4 REQUIRED REGISTRATION OF ALARM COMPANIES**

(a) All alarm companies with the desire to function within the City limits of the City of Union are required to be registered through the Public Safety Department.

(b) The alarm company must have proof of license to operate in South Carolina as an alarm company and must be licensed to operate in the City of Union.

(c) Any company who violates this section shall be subject to having its alarm permits revoked and further permits denied.

(d) All alarm company registrations shall be made on forms provided by the Public Safety Department and shall contain information as required by the Director of Public Safety.

1) The full business name, address, and telephone number of the alarm company.

2) The license number as issued to the alarm company by the State Board of Private Investigators and Private Security Agency Board.

3) A description of services made available and offered to Permit Holders within the City, relating to the sale, installation, servicing, monitoring and testing of Alarm Systems communication service provided.

4) Alarm company registration shall be renewed annually on the first day of each year and shall be non-transferable. All updating of information is required as it occurs with the alarm company having sole responsibility.

(e) Alarm vendors /installers must obtain a permit to install any alarm system within the City of Union.

#### **Sec. 9-13.5 DUTIES OF THE ALARM USER**

(a) The Alarm User liability shall be:

1) Maintain the premises and the Alarm System in a method that will reduce or eliminate False Alarms; and

2) Make a solemn endeavor to respond or cause a representative to respond to the Alarm System's location within thirty (30) minutes when notified by the Public Safety Department or Union County 911 to deactivate a malfunctioning Alarm System, to provide right of entry to the premises, or to provide alternative security for the premises; and

3) Not manually activate an alarm for any reason other than an occurrence of an event that the Alarm System was intended to report.

4) An Alarm User shall have a properly Licensed Alarm Company inspect the Alarm System after two (2) False Alarms within a calendar year period from the date of registration issuance or renewal. The Alarm Administrator may waive an inspection requirement if it is determined that a False Alarm(s) could not have been related to a

defect or malfunction in the Alarm System. After four (4) False Alarms within a calendar year period from the date of registration issuance or renewal, the Alarm User must have a properly Licensed Alarm Company modify the Alarm System to be more False Alarm resistant or provide additional user training as appropriate.

5) An Alarm User must obtain a new permit if there is a change in address or ownership of a business.

6) An Alarm User shall maintain at each Alarm Site, a set of written operating instructions for each Alarm System.

### **Sec 9-13.6 DUTIES OF THE ALARM COMPANY**

(a) Prior to activation of the Alarm System, the Alarm Company must provide instructions explaining the proper operation of the Alarm System to the Alarm User.

(b) Provide written information of how to obtain service from the Alarm Company for the Alarm System.

(c) Provide the proper operational training of the Alarm System to the Alarm User, the Alarm User's employees, or other persons designated by the Alarm User to operate the Alarm System.

(d) An Alarm Company which begins monitoring a previously unmonitored Alarm System or an Alarm System previously monitored by another Alarm Monitor shall notify the Alarm Administrator of the conversion within five (5) days after the date of conversion.

(e) An Alarm Company performing monitoring services shall:

1) Attempt to verify an alarm signal from an Alarm System before requesting a law enforcement or fire personnel response; and

2) Communicate a cancellation to the law enforcement or fire personnel as soon as possible following a determination that emergency response is unnecessary.

3) Communicate any available information about the location of the alarm.

4) Endeavor to contact the Alarm User or designated representative when an Alarm Notification is made.

5) Provide the law enforcement or fire personnel of any other information about the alarm and Alarm Site that may be of safety importance to the individuals responding.

6) Any Alarm Company failing to comply with the duties listed in this section shall have their Company's permit to operate an alarm system in the City of Union revoked or suspended.

**Sec. 9-13.7 STANDARDS AND ADMINISTRATION.**

(a) The provisions of this ordinance will be administered and enforced by the Public Safety Department. The Public Safety Department is authorized to make inspections of alarm systems and of the premises whereon said system is located, and to make and enforce such rules and regulations as are necessary to implement the provisions prescribed in this ordinance.

(b) It shall be unlawful for any person to engage in, conduct, or carry on any alarm business within the City of Union unless he or she has first registered his or her intention to engage in such alarm business with the Union Public Safety Department, giving the department such information as it may require. All alarm businesses must obtain any additional required licenses and/or permits from the City of Union Building and License Department to operate in the City of Union.

**Sec. 9-13.8 CHARGES.**

(a) False Alarm Charges. There is no charge for the first two (2) false alarms within a calendar year; however, the following charges will be applicable for subsequent false alarms:

(1) First and second false alarms;	No charge
(2) Third, fourth and fifth false alarm;	\$ 50.00
(3) Sixth and seventh false alarm;	\$100.00
(4) Eighth and ninth false alarm;	\$200.00
(5) Tenth and each false alarm thereafter within a calendar year;	\$500.00

## **Sec. 9-13.9 APPEALS.**

(a) Upon evidence that any provision of this ordinance has been violated; and written notice therefore has been served upon the Permit Holder, either by personal service or by certified mail, postage prepaid, addressed to the Permit Holder at the address set forth on the permit, the Director of Public Safety may suspend a Permit Holder permit effective on the date of service of notice when served personally or upon the expiration of five (5) days from the deposit of the notice in the mail when served by certified mail. In the latter case, failure of the Permit Holder to receive the notice shall not invalidate the service of notice. The suspension of the permit shall result in a confirmation-required status.

(b) Failure or refusal by a Permit Holder user to correct any condition in violation of the provisions of this ordinance shall result in suspension continuing until the condition is corrected, and may result in the revocation of the Permit Holder permit, as provided hereinafter.

(c) If the Director of Public Safety or their designee determines that a Permit Holder permit should be revoked, he or she shall give the Permit Holder fifteen (15) days notice of his or her intentions to do so, stating generally the grounds therefore, and of the right of the Permit Holder to have a hearing before the Mayor on the notice of intention to revoke permit, notice may be given by personal service or by certified mail with return receipt requested, non-restricted delivery, postage prepaid, addressed to the Permit Holder at the address set forth on the permit. Notice shall commence on the day of mailing to coincide with the notice of intent. Upon failure of the Permit Holder to cause the system to be repaired, or to be operated properly, or to pay the fee established pursuant to section "False Alarms and Fees" of this ordinance within such fifteen (15) day period, or to file an appeal to the Mayor as provided in this ordinance, the permit shall be revoked at the expiration of such fifteen (15) day period.

(d) If the Director of Public Safety has issued a notice of intent to revoke a Permit Holder's permit or the Public Safety Department has levied a charge under this Ordinance, the Permit Holder may within ten (10) days of the date of the service thereof, submit a written request by personal delivery or by first-class mail for a hearing before the Mayor setting forth the reasons why the permit should not be revoked or the charge levied. If served by mail, the request shall be made on the day of mailing.

(e) If, a written request for a hearing is made, the Mayor shall set a hearing for a time no sooner than fifteen (15) days nor later than thirty (30) days from service of the request and shall serve a written notice of the time and

place thereof, on the Permit Holder by first-class mail at least ten (10) days prior to the date of such hearing. If such a request is received more than fifteen (15) days from the date of issuance of the notice of intent, the Mayor may set a hearing as provided herein if he or she finds there was good cause for the tardiness filing the request.

(f) The proposed permit revocation and/or appeals from charges shall be heard by the Mayor or by a person designated by the Mayor to act as the Hearing Officer.

(g) The representatives of the Public Safety Department and the Permit Holder or their authorized representative shall be heard and may present evidence including oral, documentary, and other evidence, and may examine and cross-examine any witness. The Mayor or Hearing Officer may conduct such inquiries and investigations as he or she deems proper, and shall not be bound in the conduct thereof by common law or statutory rules of evidence and procedure, but he or she may make such inquiry and investigation, through oral, documentary, and other evidence, which is best calculated to ascertain the substantial rights of the public and parties.

(h) The decision of the Mayor shall not be invalidated because of the admission into the record and the use as any proof of any fact in dispute of any evidence not admissible under the common law or statutory rules of evidence and procedures.

(i) The decision of the Mayor shall be final and conclusive.

#### **Sec. 9-13.10 NOTIFICATION OF INSTALLATION OF AN ALARM SYSTEM.**

Alarm businesses shall notify the Union Public Safety Department each time the business sells, installs, operates, modifies, or maintains an Alarm System within the City of Union. Permits are required for all new installations. This notification shall be in writing, and shall include the following information:

- 1) **The** name, address, and telephone number of the business or its alarm agent.
- 2) The name of the Permit Holder and his or her business address and telephone number and residential address and telephone number.
- 3) The name of at least two other persons responsible to respond to the Alarm Site and his or her business address and telephone number, and residential address and telephone number.

#### **Sec. 9-13.11 AUDIBLE ALARM SYSTEMS STANDARDS.**

**(a)** It shall be unlawful to buy sell, install, or operate within the City of Union an audible alarm system which upon activating emits a sound similar to sirens in use on emergency vehicles or for civil defense purposes. For the purpose of this section, any electronic sounding device that produces a variable pitch-tone shall be considered similar to an emergency vehicle siren. This shall not apply to sirens mounted inside a building which cannot be heard from outside of the building.

**(b)** Upon notification by the Union Public Safety Department, the Permit Holder or his or her representative shall promptly proceed within thirty (30) minutes to the scene of the alarm and render any necessary service. This service shall include opening the premises so they may be searched. Every audible alarm system installed after the effective date of this ordinance shall have a timing device which automatically shuts off the alarm within fifteen (15) minutes when the alarm system is located on a residence and within thirty (30) minutes when the Alarm System is located on other types of premises after the alarm is activated.

**(c)** Every audible Alarm System which was installed prior to the effective date of the ordinance, but which does not have a timing device as described in the subdivision (b) of this section, shall be required to have such device installed within one hundred eighty (180) days thereafter.

**(d)** Notwithstanding the installation of an automatic timing device, it shall be unlawful for any Alarm Business or Permit Holder to cause, permit or allow an audible Alarm System to be activated for a period in excess of thirty (30) minutes.

**(e)** All alarm systems shall have a standby power supply which will automatically assume the operation of the Alarm System should any interruption occur in the power to the system. The transfer of power from the primary source to the backup source must occur in a manner which does not activate the alarm.