

**STATE OF SOUTH CAROLINA
TOWN COUNCIL FOR THE TOWN OF FORT MILL
ORDINANCE NO. 2016-07**

AN ORDINANCE PERTAINING TO THE REGULATION OF FALSE ALARMS IN THE TOWN LIMITS OF FORT MILL, SOUTH CAROLINA.

WHEREAS, response to false alarms places an undue burden on public safety, reduces the preparedness of Town of Fort Mill public safety to respond to actual emergencies, and presents significant health, safety and welfare hazards to the citizens and guests of Fort Mill by diverting limited public safety resources from legitimate requests for such assistance. Those who utilize faulty alarm systems which repeatedly generate false alarms that necessitate public safety response are misusing available public safety resources; and

WHEREAS, it is the will of Fort Mill Town Council to provide a method of regulating the incidences of false alarms and provide penalties for chronic offenders, to encourage alarm users to maintain the operational reliability and proper use of alarm systems in order to reduce unnecessary public safety response to false alarms.

NOW, THEREFORE, by the power and authority granted to the Fort Mill Town Council by the Constitution of the State of South Carolina and the powers granted to the Town by the General Assembly of the State, the following hereby is ordained and enacted:

SECTION I. Chapter XX, Article XxX, Town of Fort Mill Code of Ordinances, shall be amended by the addition of Section XX-XX, as follows:

Sec. XX-XXX. False Alarms.

(a) Definitions.

- (1) "False alarm" means the activation of a fire, burglar, robbery, or other similar alarm system through inadvertence, electrical or mechanical failure, malfunction, improper installation, improper maintenance, or the negligence of the owner, lessee, or anyone otherwise in control of the system, or of his\her employees or agents, resulting in a response by Fort Mill public safety personnel. This does not include alarms caused by unusually violent conditions of nature, other extraordinary circumstances beyond the control of the alarm user, or by unauthorized tampering with an alarm system by anyone other than the alarm user or his agent(s). An alarm is false when, upon determination of the responding public safety official(s), there is no evidence of the existence of the condition or activity the alarm was designed to detect when the alarm activated, and no evidence of violent conditions or other extraordinary circumstances as noted above.
- (2) "Alarm system" means any single device or assembly of equipment and devices, mechanical or electrical, designed for the detection of fire or of unauthorized entry on or into any premises, or for alerting others of the commission of an unlawful

act, and when activated causes an audible and/or visual signal and/or transmits a signal or message to which public safety personnel are expected to respond or which would imply to a reasonable person that public safety personnel are needed at the alarm source to address a potential public safety concern.

- (3) "Alarm user" means a person, firm, partnership, company, association, corporation, other legal entity, or owner, tenant, lessee, or occupant, or their agent(s) owning, leasing, or operating an alarm system, or who is/are in control of any building, structure or facility where an alarm system is present.
- (4) "Response" means the dispatch of public safety personnel to the premises where an alarm system has been activated.
- (5) "Year" means a 12-month period beginning with October 01 and ending on September 30 of each year.

(b) Duties of an alarm user.

- (1) To ensure the proper installation and functioning of alarms and alarm systems;
- (2) To maintain the premises and the alarm system in a manner that will reduce or eliminate false alarms;
- (3) To respond or cause a representative or other responsible party to respond to the alarm system's location within thirty (30) minutes upon notification from public safety officials of the need to deactivate a malfunctioning alarm system; and
- (4) To ensure that an alarm is not manually activated by the alarm user or any other person for any reason other than an occurrence of an event that the alarm system was intended to report.

(c) False alarm procedure.

- (1) Whenever Fort Mill public safety personnel respond to an activated alarm system, the official in charge of the incident shall determine if the response was caused by a false alarm and shall indicate that fact upon the incident report and communicate to dispatch be noted in dispatch records.
- (2) The Fire Chief (Ref: Fire Alarms) and Police Chief (Ref: Police Alarms) designee shall regularly review incident reports to monitor the activation of false alarms at anyone location and forward any violation to the Code Enforcement Department. When two false alarms have occurred at the same location within one year, Fort Mill Code Enforcement shall notify the alarm user by letter, citing the location and date of each false alarm. The letter shall recommend that appropriate action be taken on the part of the alarm user to alleviate the causes of false alarms and shall include a statement that an activation of more than two (2) false alarms within a year shall result in violation of this Section.
- (3) There is no charge for the first two false alarms within a calendar year, however, the following charges will be applicable for subsequent false alarms:
 - (1) Third, fourth and fifth false alarm \$50.00 each.

- (2) Sixth and seventh false alarm \$100.00 each.
- (3) Eighth and ninth false alarm \$200.00 each.
- (4) Tenth and each false alarm thereafter within a calendar year \$500.00.

(4) A key holder for the alarm activated site must respond on site of the alarm within thirty (30) minutes upon notification from public safety officials of the need to deactivate a malfunctioning alarm system. Failure of a key holder to respond will result in a \$100.00 charge regardless of the number of alarms activated and for each alarm activated.

(d) Evidence of repair accepted in lieu of fee. An alarm user may submit, within ten days of the date of notification of an infraction, evidence that a malfunctioning system has been repaired in lieu of paying the infraction fine. Evidence such as a receipt from a licensed alarm business with a statement of repairs made to the system is acceptable. If satisfactory to the Town, the fine may be waived. Only one such waiver may be granted within a year.

(e) Appeals. Any person may appeal the imposition of a false alarm infraction fine to the Town Manger or his/her designee. Such appeal shall be in writing and shall be made to the Town Manager or his/her designee within ten (10) days of the date of notification of the fine.

(f) State law. SECTION 16-17-570. Interference with fire and police alarm boxes; giving false alarms.

Any person who shall willfully, maliciously or mischievously interfere with, cut or injure any pole, wire, insulator or alarm box, give a false alarm from such box or by use of a telephone or break the glass in such box of any fire or police alarm system in this State or any of the appliances or apparatus connected therewith shall be guilty of a misdemeanor and, upon conviction, shall be sentenced to hard labor in the State Penitentiary or on the chain gang in a county having a chain gang for a term of not less than sixty days or the payment of a fine of not more than two hundred dollars.

HISTORY: 1962 Code § 16-560; 1952 Code § 16-560; 1942 Code § 1164; 1932 Code § 1164; Cr. C. '22 § 57; Cr. C. '12 § 194; Cr. C. '02 § 156; R. S. 152; 1888 (20) 8; 1904 (24) 382; 1931 (37) 37; 1980 Act No. 468.

(g) Payments. Individuals and businesses will have 30 days to pay an invoice generated as the result of a false alarm. Invoices not paid within 30 days are subject to a \$25.00 additional late fee for each outstanding invoice. Invoices not paid within 60 days, including any late fees or penalties will be referred to the courts.

SECTION II. Severability. If any section, subsection, paragraph, clause, or provision of this ordinance shall be deemed to be unconstitutional, unenforceable, or otherwise invalid by the final decision of a court of competent jurisdiction, the validity of the remaining sections, subsections, paragraphs, clauses, or provisions shall not be affected thereby.

SECTION III. Conflicting Ordinances. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION IV. Effective Date. This ordinance shall take effect upon adoption by the Town Council.

SIGNED AND SEALED this _____ day of _____, 2016, having been duly adopted by the Town Council for the Town of Fort Mill on the _____ day of _____, 2016.

First Reading: March 28, 2016
Second Reading: April 11, 2016

Guynn Savage, Mayor

LEGAL REVIEW ATTEST

Barron B. Mack, Town Attorney

Virginia C. Burgess, Town Clerk