

## **CHAPTER 16 – EMERGENCY MANAGEMENT AND EMERGENCY SERVICES**

### **ARTICLE I. - IN GENERAL**

#### **Sec. 16-1. – Reserved**

#### **Sec. 16-2. - National incident management system.**

The national incident management system of March 1, 2004, developed by the United States Department of Homeland Security is hereby adopted by reference, as amended.

#### **Secs. 16-3—16-19. - Reserved.**

### **ARTICLE II – ALARM SYSTEMS**

#### **DIVISION 1. - GENERALLY**

#### **Secs. 16-20—16-33. - Reserved**

#### **DIVISION 2. - FALSE ALARMS**

#### **Sec. 16-34. - Definitions.**

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Burglar alarm system* means any assembly of equipment or device, whether mechanical or electrical, arranged or designed to signal by any means the occurrence of an illegal entry into the premises or any other activity requiring urgent police attention and to which the police department may reasonably be expected to respond; provided, however, that this definition does not include alarm systems installed exclusively for the purpose of signaling an ongoing robbery, fire or medical emergency, and does not include any alarm system installed in a motor vehicle.

*Burglar alarm user* means the person or other entity that owns, leases, rents, manages, possesses, or has primary control over the premises in which a burglar alarm system is installed or maintained.

*False alarm* means the activation of a signal from a burglar or fire alarm system that elicits a response from the police or fire department when there is in fact no emergency or actual or threatened criminal activity necessitating such a response. This definition includes, but is not limited to, any burglar alarm system signal activated as a result of weather, negligence, accident, mechanical failure, electrical failure, electrical surge, signals activated intentionally in nonemergency situations, and signals activated where the actual cause of such activation is unknown. There is a rebuttable presumption that an activated burglar or fire alarm system signal is a false alarm if the responding personnel, after following normal procedures in their response and investigation, find no evidence of unauthorized entry, criminal activity or other emergency. An activated alarm system signal shall not be considered a false alarm if:

- (1) The police or fire department is notified to cancel its response by the alarm user or the alarm user's monitoring agent prior to the time emergency personnel arrive at the premises;
  - (a) The complete name, address, and phone number of the alarm user;
  - (b) The names of all persons authorized to enter the premises and deactivate the alarm system signal as well as all phone numbers at which such persons can be reached;
  - (c) The name and telephone number of the alarm user's monitoring agent, if any; and
  - (d) If known, the name and telephone number of the person or entity which installed the alarm system.
- (2) The burglar or fire alarm system signal was intentionally activated by an individual based upon a reasonable belief that an emergency or actual or threatened criminal activity requiring immediate response existed;
- (3) The burglar or fire alarm system signal was activated by lightening or other act of nature resulting in an electrical surge which causes physical damage to the alarm system and which damage is evidenced by the written report

of a licensed alarm system contractor who conducted an inspection of the system at the premises and personally observed such physical damage.

- (4) *Fire alarm* means any assembly of equipment or device, whether mechanical or electrical, arranged or designed to signal by any means the occurrence of a fire at the premises.
- (5) *Premises* means the building or structure or any portion of a building or structure in which there is installed or maintained a burglar alarm system.

**Sec. 16-35. - Purpose and intent.**

Based on the experiences of surrounding municipalities and communities and their law enforcement officers, the Council finds that emergency response to false alarms creates additional risks to public safety by diverting limited public safety resources away from both real emergencies and normal patrol activities intended and designed to prevent criminal acts. Therefore, the purpose of this article is to promote public safety by making burglar and fire alarm users in the Town directly responsible for preventing false alarms.

**Sec. 16-36. - Registration requirements.**

- (1) No later than five business days following the installation of any burglar or fire alarm system, the alarm user shall provide the following information to the Chief of Police:
- (2) Any changes in the information set forth in subsection (a) of this section must be reported to the Chief of Police within five business days. Burglar or fire alarm users utilizing alarm systems installed prior to the effective date of the ordinance from which this article is derived shall provide the information set forth in subsection (a) of this section to the Chief of Police no later than 60 days following such effective date, unless sooner requested in writing by the Chief of Police.

The registration requirements of this section shall not apply where the alarm system is installed in premises used exclusively for residential purposes; provided, however, upon the occurrence of the third false alarm within any calendar year at any such premises used exclusively for residential purposes, the Chief of Police is authorized to require in writing that the alarm user comply with the registration requirements within five business days.

All alarm systems, installed before incorporation of the Town, shall be registered with the Chief of Police within six months after the effective date of the ordinance from which this article is derived. The Town may authorize the Mayor to obtain the registration information from the Chief of Police of the county.

**Sec. 16-37. - Deactivation mechanism requirements.**

No burglar or fire alarm system installed, after the effective date of the ordinance from which this article is derived, shall be used unless such system is equipped with a mechanism or device that automatically deactivates the alarm system signal no later than 30 minutes after activation.

**Sec. 16-38. - Monitoring and enforcement.**

The Chief of Police shall receive and maintain all information required to implement the terms of this article and shall be responsible for its enforcement. This article shall be enforced by the issuance of a citation and prosecution in the Town municipal court, or other court of competent jurisdiction.

**Sec. 16-39. - Prohibitions.**

- (1) It shall be a violation of this article for any burglar or fire alarm user to cause, allow or permit three or more false alarms in any calendar year. It shall also be a violation of this article for any burglar or fire alarm user to fail or otherwise refuse to comply with the registration or equipment requirements set forth in sections 18-36 and 18-37.
- (2) No person shall intentionally make, turn in, or report a burglar or fire alarm or false request for police or ambulance assistance, or aid or abet in the commission of such an act.

State law reference— False fire alarms, O.C.G.A. § 16-10-27.

**Sec. 16-40. - Penalties.**

At the option of the Town, the fines provided for in this section may also be collected by the Town as a service charge upon the premises upon which the violation occurs. Upon conviction, violations of this article shall be punishable as follows:

- (1) For the third and each subsequent false alarm that occurs at the same premises within any 12-month period, a fine shall be assessed in the amount of \$50.00; provided, however, that no burglar alarm user shall be assessed fines in excess of \$200.00 for false alarms that occur at the same premises in any 24-hour period.
- (2) For all other violations of this article, not including false alarms, a fine shall be assessed in the amount of \$100.00 and, in addition thereto, the violator may be enjoined by the municipal court judge from continuing the violation.
- (3) Each violation shall constitute a separate offense.
- (4) False alarms shall not be counted for purposes of assessing the penalties provided for in subsection (1) of this section so long as such false alarms occur within ten days following the installation of the burglar or fire alarm system.