

ARTICLE VIII. FALSE ALARMS

Sec. 15-186. Purpose.

The city council finds that excessive false alarms unduly burden the Charlotte-Mecklenburg Police Department and waste limited police resources. The purpose of this article is to establish reasonable expectations of alarm users and to ensure that alarm users are held responsible for their use of alarm systems. It is not the intent of the city council in adopting this article to create new or expand existing legal obligations of the city or the Charlotte-Mecklenburg Police Department or to establish a special duty or special relationship between the city or the Charlotte-Mecklenburg Police Department and alarm users or persons who own real or personal property or are physically present at or in the vicinity of property monitored by an alarm system. (Code 1985, § 15-155)

Sec. 15-187. Definitions.

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

Alarm company means a person subject to the licensing requirements of G.S. ch. 74D and engaged in selling, leasing, installing, servicing or monitoring alarm systems.

Alarm permit means a permit issued by the city allowing the operation of an alarm system within the city.

Alarm signal means a detectable signal, either audible or visual, generated by an alarm system, to which the police are expected to respond.

Alarm system means any single device or assembly of equipment designed to signal the occurrence of an illegal or unauthorized entry or other activity requiring immediate attention and to which the police department is expected to respond, but does not include alarms installed in motor vehicles, fire alarms, domestic violence alarm, or alarms designed to elicit a medical response.

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

Automatic dial protection device means an automatic dialing device or an automatic telephone dialing alarm system and shall include any system which, upon being activated, automatically initiates to the Charlotte-Mecklenburg Police Department a recorded message or code signal indicating a need for police response.

City means the City of Charlotte or its agent.

False alarm means the activation of an alarm system through mechanical or electronic failure, malfunction, improper installation, or the negligence of the alarm user, his employees or agents, and signals activated to summon police personnel unless law enforcement response was cancelled by the alarm user or his agent before police personnel arrive at the alarm location. An alarm is false within the meaning of this article when, upon inspection by the Charlotte-Mecklenburg Police Department, evidence indicates that no unauthorized entry, robbery, or other such crime was committed or attempted in or on the premises which would have activated a properly functioning alarm system. Notwithstanding the foregoing, a false alarm shall not include an alarm which can reasonably be determined to have been caused or activated by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user. 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 user's alarm company, or designee, to test the system.

Permit year means a 12-month period beginning on the day and month on which an alarm permit is issued.

Runaway alarm means an alarm system that produces repeated alarm signals that do not appear to be caused by separate human action.

(Code 1985, § 15-156)

Cross references: Definitions generally, § 1-2.

Sec. 15-188. Alarm permit required.

(a) *Permit required.* No person shall use an alarm system without first obtaining a permit for such alarm system from the city. Each alarm permit shall be assigned a unique permit number.

(b) *Application.* The permit shall be requested on an application form provided by the city. An alarm user has the duty to obtain an application from the city.

(c) *Transfer of possession.* When the possession of the premises at which an alarm system is maintained is transferred, the person obtaining possession of the property shall file an application for an alarm permit within 30 days of obtaining possession of the property. Alarm permits are not transferable.

(d) *Reporting updated information.* Whenever the information provided on the alarm permit application changes, the alarm user shall provide correct information to the city within 30 days of the change. In addition, each year after the issuance of the permit, permit holders will receive from the city a form requesting updated information. The permit holder shall complete and return this form to the city when any of the requested information has changed.

(e) *Multiple alarm systems.* If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses, a separate permit shall be required for each structure.

(Code 1985, § 15-157)

Sec. 15-189. Prohibited acts.

(a) It shall be unlawful to activate an alarm system for the purpose of summoning police when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm.

(b) It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than 15 minutes.

(c) It shall be unlawful to install, maintain, or use an automatic dial protection device that reports, or causes to be reported, any recorded message to the Charlotte-Mecklenburg Police Department.

(d) An alarm company shall provide the permit number for the alarm system that produced the alarm signal at the time the alarm company notifies the Charlotte-Mecklenburg Police Department of an alarm signal to facilitate dispatch.

(Code 1985, § 15-158)

Sec. 15-190. Enforcement of provisions.

(a) *Excessive false alarms.* It is hereby found and determined that three or more false alarms within a permit year is excessive, constitutes a public nuisance, and shall be unlawful. Civil penalties for false alarms within a permit year may be assessed against an alarm user as follows:

Third through fifth false alarm . . . \$50.00

Sixth false alarm . . . 100.00

Seventh false alarm . . . 100.00

Eighth false alarm . . . 250.00

Ninth false alarm . . . 250.00

Tenth and over false alarm . . . 500.00

(b) *Other civil penalties.* Violations of section 15-188 and section 15-189 may be enforced through the assessment of civil penalties in the amount of \$100.00.

(c) *Payment of civil penalties.* Civil penalties shall be paid within 30 days from the date of the invoice.

(d) *Discontinuance of police response.* The failure of an alarm user to make payment of any civil penalty assessed under this section within 30 days from the date of the invoice shall result in discontinuance of police response to alarm signals that may occur at the premises described in the alarm user's permit until payment is received. The Charlotte-Mecklenburg Police Department may in its discretion discontinue police responses to alarm signals from what appears to be a runaway alarm.

(e) *Equitable remedy.* The city may enforce the provisions of this article by applying to a court of competent jurisdiction for an injunction, abatement order or any other appropriate equitable remedy.

(f) *Noncriminal violation.* A violation of any of the provisions of this article shall not constitute a misdemeanor or infraction punishable pursuant to G.S. 14-4.

(Code 1985, § 15-159)

Sec. 15-191. Appeals.

(a) *Appeals process.* Assessments of civil penalties and other enforcement decisions made under this article may be appealed by filing a written notice of appeal with the city within 30 days after the date of notification of the assessment of civil penalties or other enforcement decision. The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the assessment of penalties or other enforcement decision. Appeals shall be heard through an administrative process established by the Charlotte-Mecklenburg Police Department. The hearing officer's decision is subject to review in the superior court of the county by proceedings in the nature of certiorari.

(b) *Appeal standard.* The hearing officer shall review an appeal from the assessment of civil penalties or other enforcement decisions using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment of civil penalties or other enforcement decision, the hearing officer shall have the discretion to dismiss or reduce civil penalties or reverse any other enforcement decision where warranted.

(Code 1985, § 15-160; Ord. No. 2447, § 10, 11-24-2003)

Secs. 15-192--15-230. Reserved.