



NO. O-19-20

## AN ORDINANCE

TO AMEND CHAPTER 28 OF THE CODE OF THE COUNTY OF SPARTANBURG, SOUTH CAROLINA, TO MAKE PROVISIONS FOR FALSE ALARMS, SERVICE CHARGES FOR SAME, NOTIFICATION OF ALARM SYSTEM INSTALLATION AND ALARM SYSTEM STANDARDS.

WHEREAS, the number of false alarms in the unincorporated areas of Spartanburg County have substantially increased in recent years degrading the effectiveness of law enforcement and/or emergency services. Reduction in the number of false alarms will promote the public health, safety and welfare, and protect property in the County. The primary cause of false alarms is poorly maintained and un-licensed alarms systems and negligent operation by property occupants.

NOW, THEREFORE, BE IT ORDAINED by the Spartanburg County Council of the County of Spartanburg, South Carolina:

Section 1. The Code of the County of Spartanburg, South Carolina is hereby amended by deleting Sections 28-51 through 28-55 "Alarm Systems" in its entirety and by substituting the following language in its place:

**“Sec. 28-50. ALARMS AND FALSE ALARMS.**

**Sec. 28-51. DEFINITIONS.**

- (a) **Alarm Administrator** means a person, persons, company or third party authorized and designated by the Spartanburg County Administrator or his designee to administer, control and review alarm applications, permits and false alarm reduction efforts. The Alarm Administrator shall report to the Spartanburg County Administrator or his designee and comply with his directives as he deems necessary to enforce this Ordinance.
- (b) **Alarm Notification** means a notification intended to summon law enforcement and/or emergency services 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 in the unincorporated area of the County.
- (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 in the unincorporated area of the County.
- (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 law enforcement and/or emergency services in the unincorporated area of the County, 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 a premise that does not have an external local alarm.
  - (3) An alarm installed within the boundaries of a municipality intended to summon law enforcement personnel of a municipality.

- (e) **Alarm Site** Alarm Site means a single premises or location served by an alarm system or systems in the unincorporated area of the County.
- (f) **Alarm User 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 in the unincorporated area of the County.
- (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 in the unincorporated area of the County to include law enforcement officers, fire suppression personnel, emergency medical personnel, code enforcement 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 law enforcement officer and/or emergency services personnel to be beyond the control of the owner. Alarms cancelled before law enforcement arrives at alarm site shall not be considered a False Alarm. A cancelled Alarm means the process after an Alarm Dispatch Request where a response is terminated by a monitoring company (designated by the Alarm User) for the alarm site by notifying the responding law enforcement agency that there is no existing situation at the alarm site requiring law enforcement response.
- (h) **False Alarm Notification (F.A.N.)** means an alarm notification to the Emergency Communication Center, law enforcement and/or emergency services 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 Permittee.

- (i) **Local Alarm** means an alarm system in the unincorporated area of the County 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 28-52(b) 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 as may be allowed established by resolution of Spartanburg County Council.
- (k) **Verify.** The term 'verify' means an attempt by the Monitoring Company, or its representative, to contact the Alarm Site and/or Alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary Alarm Dispatch Request. For the purpose of this ordinance, telephone verification shall require, as a minimum, that a second call be made to a different number if the first attempt fails to reach an Alarm user who can properly identify themselves to determine whether an alarm signal is valid before requesting law enforcement dispatch.

**Sec. 28-52. REGISTRATION REQUIRED; APPLICATION; FEE**

- (a) **Permit Requirements.** An Application Fee of \$5.00 per application is authorized by this ordinance which shall not be collected nor increased unless and until authorized by separate resolution of County Council. There is no charge to an owner/occupant to register an alarm unless the collection of a fee beginning at \$5.00 per application is authorized by separate resolution of County Council. Upon receipt of a completed application form, a one (1) year Alarm Permit shall be issued to the owner/occupant of the Alarm System. Alarms operating prior to July 1, 2009, are required to have a permit within ninety (90) days from the effective date of the ordinance. Alarms installed as of July 1, 2009, are required to have a permit within thirty (30) days of the installation date. After January 1, 2010, any alarm that is responded to by law enforcement and/or emergency services and is not registered will be cited for failure to register the alarm and will be subject to a penalty up to a two hundred fifty dollar (\$250.00) fine and/or thirty (30) days imprisonment. Applications are obtained from the Alarm Administrator, the Spartanburg County Building Codes Department, Spartanburg County's official web site accessed via the Internet, and alarm companies registered with Spartanburg County pursuant to Section 28-54.

(b) **Application Requirements.** There is no charge for an application form. The application form for an Alarm Permit and Annual Renewal Permit shall include such information as required by the Alarm Administrator subject to the approval of the Spartanburg County Administrator or his designee.

(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 emergency services.

(c) **Service Charge and Penalty.** If assessed, service charge must be paid before required permit will be issued. If the permit is not obtained within thirty (30) days after notification by County of Spartanburg of such requirement, and continued operation of the alarm system by the owner or tenant occurs, it shall constitute a misdemeanor in accordance with Sec 28-62.

(d) **Changes.** Any changes in the permit information must be reported within ten (10) days of the change to the Alarm Administrator.

(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 law enforcement or emergency services to respond in connection with an alarm activation.

(f) **Revocations.** Failure to pay any service charge within thirty (30) days or failure to renew any permit within thirty (30) days shall constitute grounds for revocation of an alarm system permit by County of Spartanburg. A late payment penalty of ten percent (10%) or ten dollars (\$10.00), whichever is greater, shall be added to the account upon referral to the County debt collection division. Interest upon the principal amount due and penalty will accrue at the rate of ten percent (10%) annually from the first of the month following the day the account is referred to the debt collection division. 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.

- (h) **Annual Renewal.** The owner/occupant of a permitted alarm system shall be responsible for obtaining an annual renewal permit by filing a renewal application form within thirty 30 days after the expiration of the Alarm Permit issued in accordance with Section 28-52 (a). There shall be no charge for an annual renewal. Failure to file a renewal application shall result in automatic revocation in accordance with Section 28-52 (f) above.

**Sec. 28-53. AUTOMATED DIALING DEVICE.**

It shall be unlawful for any automated dialing device or system to call, or in any other manner make direct contact with the County's enhanced 911 emergency telephone system or law enforcement and/or emergency services. A violation of this section shall constitute a misdemeanor which shall be punishable by fine or imprisonment as set forth by state law.

**Sec. 28-54. REQUIRED REGISTRATION OF ALARM COMPANIES**

- (a) All alarm companies with the desire to function within the unincorporated area of the County are required to be registered through the Alarm Administrator.
- (b) The alarm company must have proof of license to operate in South Carolina as an alarm company under the provisions of the State Board of Private Investigations and Private Security Agencies Act. S.C. Code Sections 40-18-20 et. seq as amended by the South Carolina Legislature.
- (c) Upon receipt of a completed application form and the Alarm Registration fee (if approved by County Council), the applicant shall be registered.
- (d) Any company who violates this section shall be subject to having its alarm permits revoked and further permits denied.
- (e) All alarm company registrations shall be made on forms provided by the Alarm Administrator subject to the approval of the Spartanburg County Administrator or his designee and shall contain at a minimum the following information:
  - (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) The names, home addresses and telephone numbers of each owner, officer, partner or stockholder holding twenty-five percent (25%) or more interest in said Alarm Company.
- (4) A description of services made available and offered to Permit Holders within the County, relating to the sale, installation, servicing, monitoring and testing of Alarm Systems communication service provided.
- (5) 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.

**Sec. 28-55. DUTIES OF THE ALARM USER**

- (a) The Alarm User liability in the unincorporated area of the County 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 Emergency Communications Center 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. 28-56. DUTIES OF THE ALARM COMPANY**

- (a) The Alarm Company duties in the unincorporated area of the County shall be:

- (1) 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.
- (2) Provide written information of how to obtain service from the Alarm Company for the Alarm System.
- (3) 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.
- (4) Upon enactment of this ordinance, Alarm Companies shall not install a device activating a robbery alarm system that is a single action non-recessed button. An Alarm Company must remove all single action non-recessed buttons when a takeover or conversion occurs.
- (5) 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 five (5) days after the date of conversion.
- (6) An Alarm Company performing monitoring services in the unincorporated area of the County shall:
  - i) Request a law enforcement and/or emergency services response when an alarm signal is received from an Alarm System.
  - ii) Communicate a cancellation to the law enforcement and/or emergency services as soon as possible following a determination that emergency response is unnecessary.
  - iii) Communicate any available information about the location of the alarm.
  - iv) Provide Alarm User registration number at the request of emergency response.

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

vi) Provide the law enforcement and/or emergency services of any other information about the alarm and Alarm Site that may be of safety importance to the individuals responding.

vii) Any Alarm Company failing to comply with the duties listed in this section shall have their Company's License revoked or suspended.

**Sec. 28-57. STANDARDS AND ADMINISTRATION.**

(a) Except as authorized by law, it will be unlawful for any person to buy, sell, lease, repair, alter or replace any alarm system in the unincorporated area of the County which does not meet minimum standards set forth in the sections of this ordinance, or to cause, permit, or suffer any alarm system to emit more than three (3) false alarms within any thirty (30) day period.

(b) The provisions of this ordinance will be administered and enforced by law enforcement officers of the Spartanburg County Sheriff's Office, Spartanburg County Building Codes Department and the Alarm Administrator subject to the direction of the Spartanburg County Administrator or his designee. Said county officers are authorized herein 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.

(c) It shall be unlawful for any person to engage in, conduct, or carry on any alarm business within the County of Spartanburg unless he or she has first registered his or her intention to engage in such alarm business with the Alarm Administrator, giving the Alarm Administrator such information as may be require.

**Sec. 28-58. CHARGES.**

(a) False Alarm Charges. There is no charge for the first two (2) false alarms in the unincorporated area of the County occurring within any six (6) month period; however, the following charges will be applicable for subsequent false alarms occurring during such period:

	<u>Residential</u>	<u>Commercial</u>
(1) Second false alarm;	No charge	(No charge)
(2) Third, fourth and fifth false alarm;	(\$50.00)	(\$50.00)
(3) Sixth and seventh false alarm;	(\$100.00)	(\$100.00)
(4) Eighth and ninth false alarm;	(\$200.00)	(\$200.00)

(5) Tenth and each false alarm (\$500.00) (\$500.00)  
thereafter

- (b) Any person, home owner, company, business or legal entity that is served with Notice of a False Alarm Charge shall promptly pay the Charge in full to the Alarm Administrator within thirty (30) days of the date of Notice subject only to appeal under Section 28-52.
- (c) Any False Alarm Charge that is not paid in full within (30) days may be turned over for collection in the same manner as any other debt owed to the County.

**Sec. 28-59. Appeals.**

- (a) Upon evidence that any provision of this ordinance has been violated, including the failure to pay any false alarm charge; and upon service of written notice therefore 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 Building Codes Director or the Alarm Administrator with approval of the Spartanburg County Administrator or his designee may suspend a Permit Holder permit effective on the date of service of notice when served personally or upon the expiration of thirty (30) 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, including the failure to pay any false alarm charge due, 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 a permit should be revoked, the Spartanburg County Administrator or his designee and/or the Alarm Administrator shall give thirty (30) days notice of intentions to do so to the Permit Holder stating generally the grounds therefore, and of the right of the Permit Holder to have a hearing before the County Building Codes Board of Appeals and Adjustments 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 thirty (30) day period, or to file an appeal to the County Building Codes Board of Appeals and Adjustments as provided in this ordinance, the permit shall be revoked at the expiration of such thirty (30) day period.

- (d) If a notice of intent to revoke a Permit Holder's permit has been issued or the Sheriff or Department of Building Codes has levied a charge under this Ordinance, the Permit Holder may within thirty (30) 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 County Building Codes Board of Appeals and Adjustments, 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 County Building Codes Board of Appeals and Adjustments 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 County Board of Appeals and Adjustments may set a hearing as provided good cause for the tardiness filing the request has been shown.
- (f) The proposed permit revocation and/or appeals from charges shall be heard by the County Board of Appeals and Adjustments.
- (g) At the appeal hearing, the Department of Building Codes' representative 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 witness. The Spartanburg County Administrator or his designee may require the Alarm Administrator and its representative to attend the appeal hearing to give testimony and provide evidence. County Board of Appeals and Adjustments may conduct such inquiries and investigations as it deems proper, and shall not be bound in the conduct thereof by common law or statutory rules of evidence and procedure, but 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 County Board of Appeals and Adjustments 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 County Board of Appeals and Adjustments shall be final and conclusive.

**Sec. 28-60. NOTIFICATION OF INSTALLATION OF AN ALARM SYSTEM.**

- (a) Alarm businesses shall notify the Alarm Administrator each time the business sells, installs, or modifies an Alarm System within the unincorporated area of the County of Spartanburg. 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. 28-61. AUDIBLE ALARM SYSTEMS STANDARDS.**

- (a) Upon notification of an alarm activation, the Permit Holder or his or her representative shall promptly proceed within one-half (½) hour 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 comply with Control Panel Standard CP-01 and have a timing device which automatically shuts off the alarm within six (6) 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. Alarm Systems shall be programmed with the Swinger Shut Down feature programmed at 1.
- (b) 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 (a) of this section, shall be required to have such device installed within one hundred eighty (180) days thereafter.

- (c) 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 one (1) hour.
- (d) 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 and should be sufficient to power the system for four (4) hours.
- (e) Upon the effective date of this ordinance, it shall be unlawful to install an Alarm System that does not meet the CP-01 Control Panel Standard (or equivalent). Alarm dealers shall program the panels in compliance with the CP-01 default program. Owners of existing alarm systems that have had their permits revoked may be required to upgrade to a CP-01 compliant product if the Alarm Administrator finds that the existing system cannot comply with the programming provisions of CP-01. All motion detectors installed, whether on new installations or as part of a service replacement, shall comply with the SIA PR-01 Standard or equivalent.

**Sec 28-62. PENALTIES.**

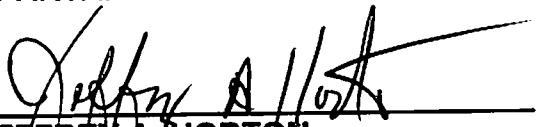
Any person, firm, corporation or agent who shall violate any of the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punishable by a fine not more than Five hundred (\$ 500.00) dollars for each offense, plus Court cost or be imprisoned for not more than thirty (30) days.

**Sec 28-63. JURISDICTION.**

This Ordinance is enforceable in the unincorporated area of the County of Spartanburg. A municipality may authorize by ordinance the enforcement within its municipal boundaries the provisions of the Spartanburg County Alarm Ordinance by Spartanburg County.”

**Section 2.** This Ordinance shall become effective upon date of enactment.

**SPARTANBURG COUNTY COUNCIL**

By:   
\_\_\_\_\_  
**JEFFREY A. HORTON**  
Chairman

**ATTESTED:**

  
\_\_\_\_\_  
D. Glenn Breed  
County Administrator

1st Reading: 05/18/09  
2nd Reading: 07/20/09  
Public Hearing: 06/15/09  
3rd Reading: 08/17/09