

**CHAPTER 98: FALSE FIRE ALARMS**

**Section**

- 98.01 Purpose
- 98.02 Definitions
- 98.03 Continuing audible alarms
- 98.04 Alarm responses
- 98.05 Right of appeal
  
- 98.99 Penalty

**§ 98.01 PURPOSE.**

The purpose of this chapter is to establish regulations governing commercial, residential and institutional fire alarm systems requiring response thereto by the Town Volunteer Fire Department. The terms of this chapter shall in no way prohibit alarm companies from providing service by private sources to other offices within or outside the town. (Ord. passed 11-14-00)

**§ 98.02 DEFINITIONS.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ALARM.** Any electronic or mechanical device which emits any signal, whether electronic, audible, silent or recorded and which is designed, intended or used for the detection of or the existence of a fire. **ALARM** shall include any device which initiates an emergency telephone number assigned to the Brunswick County 911 Central Communication (C-Com). Any procedure by which a third party telephones any emergency telephone number and requests fire department service on the basis of having received an automatic alarm signal from a subscriber of such person or alarm business represented by such person.

**FALSE ALARM.** The activation of an alarm for the purpose of summoning the fire department; or which causes the fire department to be summoned, at a time when no fire, or emergency, exists on the premises.

(A) **FALSE ALARM** includes those caused by:

(1) Error or mistake. Any action by any person, firm or corporation, or other entity or agency thereof, owning or operating any dwelling, building or place, which result in the activation of any alarm system when no emergency exists.

(2) Malfunction. Any activation of any alarm system caused by a flaw in the normal operation, design, installation, maintenance of the system by faulty equipment, or by a change in the environment or premises upon or within which the alarm system is operating.

(3) Intentional misuse. Any intentional activation of an alarm system when no fire or other emergency is in progress.

(B) An alarm will not be considered a false alarm if it is determined that the alarm was caused by:

(1) Natural or man-made catastrophe, or an act of God. Such events include tornadoes, floods, earthquakes or other similarly violent conditions such as but not limited to thunderstorms, lightning strikes, power spikes or surges.

(2) Vandalism causing physical damage to the premises.

(3) Telephone line outage.

(4) Attempted entry of a location causing visible, physical or other evidence of damage to said location.

(5) Severe weather causing physical damage to premises.

(6) The testing of a local/audible alarm system by a licensed alarm business agent or employee who is present at the premises servicing, repairing or installing the alarm when such testing does not result in the alarm being activated for an uninterrupted period exceeding 60 seconds.

(7) Unauthorized entry.

**SUBSCRIBER.** Any person, firm, corporation or partnership owning or leasing an alarm system, or on whose premises an alarm system is maintained for the protection of such premises or property.  
(Ord. passed 11-14-00)

#### § 98.03 CONTINUING AUDIBLE ALARMS.

All audible alarms must be reset and cease to sound after 15 minutes of continuous activation. Alarms installed after the effective date of this chapter shall be equipped with an automatic reset device. An alarm that sounds continuously in excess of 15 minutes from the time the fire department arrives at the alarm location shall constitute a violation of this chapter. Every subsequent 60 minute period following the initial 15 minutes during which the alarm continues to sound shall constitute a civil penalty for each 60 minute period of continuous operation of an alarm, not to exceed \$200 for any 24 hour period.

(Ord. passed 11-14-00) Penalty, see § 98.99

#### § 98.04 ALARM RESPONSES.

If within any fiscal year, the fire department responds to one false alarm at the same premises or location, the town shall send a letter requesting the subscriber to stop further false alarms and informing him of the consequences of continued false alarms, specifically the civil penalty fee. There will be no fee assessed for the first false alarm within a fiscal year. Beginning with the second false alarm, a civil penalty citation shall be issued to the subscriber for each additional false alarm.

(Ord. passed 11-14-00) Penalty, see § 98.99

#### § 98.05 RIGHT OF APPEAL.

A commercial business, residential dwelling or institution that is penalized for a false alarm under the provisions of this chapter may appeal such penalty to the Board of Commissioners. Request for an appeal with appropriate documentation must be submitted by Thursday noon of the week preceding the next regular Board meeting. The Board will act on the request after hearing from the applicant and as necessary from the Fire Chief and the Zoning Administrator. Action will not be unduly withheld.

(Ord. passed 11-14-00)

#### § 98.99 PENALTY.

(A) For the first false alarm issued within the fiscal year, no civil penalty is issued. The second false alarm a civil penalty of \$25 shall be paid to the town within 14 days of issuance in full satisfaction of the assessed civil penalty. The third false alarm issued in the fiscal year a civil penalty of \$50 shall be paid to the town within 14 days of issuance in full satisfaction of the assessed civil penalty. The fourth false alarm issued in the fiscal year a civil penalty of \$150 shall be paid to the town within 14 days of issuance in full satisfaction of the assessed civil penalty. Each successive citation issued thereafter within the fiscal year, the civil penalty will increase in \$100 increments and shall be paid to the town within 14 days of issuance in full satisfaction of the assessed penalty. If the civil penalty is not paid within the time prescribed in the citation, the town may initiate a civil action in the nature of debt to collect such civil penalty.

(B) Any violation of this chapter in which a civil penalty is not prescribed shall be a misdemeanor as prescribed in G.S. § 14-4.

(C) The following is the procedure to be used for enforcement of the penalty as outlined in division (A):

(1) The Chief of the Fire Department will provide the Zoning Administrator with a written description of the false alarm event and the person responsible for the event. The Fire Chief will indicate in this description the rationale for imposing the penalty portion of this chapter.

(2) The Zoning Administrator will review the recommendation of the Fire Chief and as needed, meet with the Fire Chief to discuss the recommendation.

(3) The Zoning Administrator, upon agreeing with the recommendation of the Fire Chief, will send a letter by registered mail to the premise that had the false alarm. This letter will include the penalty to be imposed. A copy of this letter will also be forwarded to the Fire Chief.

(4) The Zoning Administrator, at his discretion, may determine not to follow the recommendation of the Fire Chief. A letter to the Fire Chief with a copy to the premise shall be sent outlining this determination.

(Ord. passed 11-14-00)