

**ORDINANCE AMENDING CHAPTER 5 OF THE  
IREDELL COUNTY CODE ENTITLED “FIRE PREVENTION AND  
PROTECTION” TO ADD A NEW ARTICLE TO REGULATE  
FIRE ALARM SYSTEMS / FALSE FIRE ALARMS**

Chapter 5 of the Iredell County Code is hereby amended by adding a new Article III entitled “Fire Alarm Systems / False Fire Alarms” to read as follows:

“Article III. FIRE ALARM SYSTEMS / FALSE FIRE ALARMS”

**Sections 5.46 Purpose**

The purpose of this ordinance is to:

- A. Ensure that the Alarm User and the Alarm Business maintain the premises and the Alarm System in a manner that minimizes or eliminates False Alarm Dispatches, and
- B. Ensures that the Alarm User makes every effort to have a proper numerical address posted. The numbers on a residential structure shall be a minimum of 4 inches high with a stroke width of at least ½ inches. All other structure numbers shall be a minimum of 6 inches with a stroke width of at least ½ inches. This number shall be posted so as to meet or exceed this ordinance, and shall in all cases, be visible from the roadway under adverse weather conditions, and
- C. Ensures that the directions given to the Alarm Monitoring Station are accurate, clear, and concise. Further, in the event of an alarm activation, the appropriate Alarm Key Holder shall make every reasonable effort to respond or cause a representative to respond to the Alarm System’s location within thirty (30) minutes when notified by the Alarm Monitoring Station to deactivate a malfunctioning Alarm System, to provide access to the premises, or to provide security for the premises, and
- D. Ensures that no one shall manually activate an alarm for any reason other than a fire emergency. In the event of a manual activation intended to test the Alarm System, the Alarm User shall first notify the Alarm Monitoring Station of such test.

## Section 5.47

For purposes of this article, the following words shall have the following meanings.

- A. Alarm Businesses. The business, by an individual, partnership, corporation, or other entity of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, installing, or monitoring an Alarm System.
- B. Alarm Dispatch Request. A notification to an Emergency Communication Dispatch Center by an Alarm Business or an Alarm Monitoring Station that an alarm, either manual or automatic, has been activated at a particular Alarm Site.
- C. Alarm Key Holder. Any person chosen by the owner or lessee to be considered a responsible person to provide access to an Alarm Site to investigate an activated fire alarm.
- D. Alarm Monitoring Station. A company hired by the Alarm User or Alarm Business to provide constant monitoring of an Alarm System. Some Alarm Businesses are also Monitoring Stations while some contract with other Monitoring Stations.
- E. Alarm Review Authority. For all appeals that are from the County Service District, a minimum of three (3) members of the Iredell County Fire Tax Board shall serve as the Alarm Review Authority. All appeals from a Rural Fire Protection District shall be heard from at least two (2) members of the Iredell County Fire Tax Board as well as an Officer from the Board of Directors from the Fire Department that provides fire protection in that district.
- F. Alarm Signal. A detectable signal, either audible , visual, or both, that is generated by an Alarm System to which the Alarm User intends for a fire department to respond.
- G. Alarm Site. A single premises or location served by an Alarm System or systems. Each tenancy, if served by a separate Alarm System in a multi-tenant building or complex shall be considered a separate Alarm Site.
- H. Alarm System. Any single device or assembly of equipment designed to signal the detection of fire, or products of combustion, in a building, structure, or premises, or to signal an actual fire or initiate a response for medical assistance regardless of whether the call for response comes from an Alarm Business, an Alarm Monitoring Station, the Alarm User, a

neighbor, or results from a police officer or firefighter hearing the Alarm System.

- I. Alarm System Coordinator. An employee or agent of the County designated by the County Manager to administer and assist in the enforcement of this article.
- J. Alarm User. A person, corporation, partnership, proprietorship, association, 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.
- K. False Alarm Dispatches. Any signal communicated by any means that solicits a response from a Fire Department to which the responding units find no evidence of fire or products of combustion or medical emergency. False alarms include, but are not limited to:
  - 1. Error or mistake: Any action by any person, firm or corporation, association, or other entity or agency thereof, owning or operating any dwelling, building, or place, which results 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, or 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 activation of an Alarm System when one knows, has reason to know, or should have known no fire or other emergency is in progress.
  - 4. Fire Alarm Testing: Any alarm transmitted to the Fire Department while alarm is being tested by personnel without notifying the alarm service of test status.

An alarm will not be considered to be a false fire alarm if determined by the officer in charge the fire alarm was caused by:

- 1. A natural or manmade catastrophe. Such events include, but are not limited to tornadoes, floods, earthquakes or similarly violent conditions or adverse weather conditions.
- 2. The testing of a local/audible Alarm System by a licensed Alarm Business, agent, or employee who is present at the premises while servicing, repairing, or installing the alarm when the agent or user has contacted the alarm company and informed of the test.

3. Activation by other extraordinary circumstances not reasonably subject to control by the Alarm User.
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- L. Incident Commander. An Incident Commander is considered to be the person-in-charge at an incident scene. The concept of incident management requires that all resources are pooled with decisions made by a group of trained personnel who make decisions to eliminate a hazard and to make a scene safe. The Incident Commander is part of the decision makers and the one who has the ultimate responsibility for the outcome of the incident.

#### **Section 5.48 False Alarms Procedures**

- A. Fire Response. Whenever an alarm is activated in the County and a Volunteer Fire Department does respond, an Incident Commander on the scene of the activated Alarm System shall determine whether the alarm was a false alarm as defined in Section 5.47.
- B. Notification. In the case of a false alarm, the Incident Commander will leave a False Alarm Notification (written notice) of the false alarm at, or attached, to the Alarm System premises. The Incident Commander will also notify the Emergency Communications Center and advise that the signal was a false alarm. After a response to a 2<sup>nd</sup> False Alarm at the same location, the Fire Chief or his designated representative shall contact the Alarm User and ensure that they are aware that the next False Alarm will result in a fine.
- C. CAD System Documentation. The ECOM Supervisor on duty is to ensure that a CAD report is generated that includes the date, time of the alarm, response times, etc. This CAD report should also state that the Cause for the alarm is False Alarm. This CAD report should be either faxed or electronically sent to the responding Volunteer Fire Department.
- D. Volunteer Fire Department Responsibilities. The VFD is to maintain files on each False Alarm that they respond to. When the Volunteer Fire Department responds to the same location for the third time within a twelve (12) month cycle, a copy of the three (3) CAD sheets and a copy of the three (3) False Alarm Notification Forms shall be forwarded to the Fire Marshal's Office. For additional False Alarms at the same location within the same twelve (12) month cycle, both forms will need to be forwarded to the Fire Marshal's Office.

- E. Fire Marshal's Office Responsibilities. The Fire Marshal or his representative shall notify the Alarm User of their violation of this ordinance by letter. This letter will include the date and times of False Alarms that a Volunteer Fire Department has responded to as well as the amount of fines levied and the proper means to pay the fines. The Iredell County Finance Department will receive a copy of the letter and shall be the receiving agency for all fees collected as a result of this ordinance. Also on this letter will be directions to appeal the fines that are assessed.
  
- F. Finance Department Responsibilities- All funds that are received are to be placed in the responding Volunteer Fire Departments account. Each Volunteer Fire Department shall, at the end of the Budget Year, receive the funds that are generated by their department.

#### **Section 5.49 Appeal of False Alarm Determination and Civil penalties.**

When requested in writing by the Alarm User within fourteen (14) business days of response to a false alarm, the Alarm Systems Coordinator will ask for a review of the False Alarms in question by the Alarm Review Authority. The Alarm Review Authority will review the basis of the incident commander's determination that an alarm was false. The written request for review of a false alarm determination by the Alarm Review Authority shall include the following information:

1. Alarm User name.
2. Address at which the Alarm is installed.
3. Date and time of false alarm that is being contested.
4. Facts to establish the alarm was not false.

All appeals shall be heard by the Alarm Review Authority within sixty (60) days of receiving the request for review. The fine is to be paid once a decision has been reached by the Alarm Review Authority as to the determination that the response was correctly deemed as a False Alarm. Appeals from the rulings of the Fire Alarm Authority shall be heard de novo before a superior court judge.

#### **Section 5.50 Civil penalties for False Alarms**

- A. Excessive False Fire Alarms. Three (3) or more false fire alarms within a 12-month monitoring period are excessive. A twelve-month monitoring period begins with a first "false" fire alarm.

- B. Civil Penalties. Excessive false fire alarms for any Alarm System within a twelve-month monitoring period shall subject the Alarm User to civil penalties according to the following schedule:

<u>Number of False Fire Alarms</u>	<u>Civil Penalty</u>
3 or 4	\$50 each
5 or 6	\$100 each
7 or more	\$250 each

**Section 5.51 Other Violation**

- A. It shall be unlawful for any person to willfully cause a false alarm. A violation of this provision shall be a misdemeanor punishable as provided in N.C.G.S. 14-286.

**Section 5.52 Severability**

- A. If any provision of this article, or the application thereof, to any person or circumstance is for any reason held invalid, such invalidity shall not affect other provisions or applications of the article, which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.

**This ordinance shall be effective April 1, 2009.**

