

**AN ORDINANCE AMENDING CHAPTER 22 OF THE
WINSTON-SALEM CITY CODE ENTITLED "FIRE PREVENTION AND PROTECTION
" TO ADD A NEW ARTICLE TO REGULATE
FIRE ALARM SYSTEMS/FIRE FALSE ALARMS**

BE IT ORDAINED, by the Board of Aldermen of the City of Winston-Salem, as follows:

Section 1: Section 22-1. Penalty. is hereby amended to read as follows:

"Except for Article III, the following shall be deemed to be expressly incorporated and be referenced within each section of this chapter: A violation of this section, or any part thereof, shall constitute a misdemeanor and shall subject the offender to a fine of not more than \$500.00 or imprisonment for not more than thirty (30) days."

Sections 22-46 - 22-49 Reserved.

Section 2: Chapter 22 of the Winston-Salem City Code is hereby amended by adding a new Article III entitled "Fire Alarm Systems/Fire False Alarms" to read as follows:

"Article III. FIRE ALARM SYSTEMS/FIRE FALSE ALARMS."

Section 22-50: Definitions.

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

- A. Alarm Permit. A permit issued by the City's Alarm Systems Coordinator in the False Alarm Reduction Unit allowing the operation of an Alarm System within the City which may be subject to revocation.
- B. Alarm Signal. A detectable signal, either audible or visual, generated by an Alarm System to which the user intends for the Fire Department to respond.
- C. 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 a monitoring service, the Alarm User, a neighbor, or results from a police officer or firefighter hearing the Alarm System.
- D. Alarm Systems Coordinator. An employee or agent of the City designated by the City Manager to administer this article.
- E. 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.

- F. False Alarm. Any signal communicated by any means that solicits a response from the 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. *Failure to notify alarm monitoring service of 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 alarm if it is determined by the officer in charge that the alarm was caused by:

- a. Natural or manmade catastrophe, or an act of God. Such events include, but are not limited to, tornadoes, floods, earthquakes or other similarly violent conditions or adverse weather conditions.
- b. 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 the agent or user has contacted the alarm company and informed them of the test.
- c. Activation by other extraordinary circumstances not reasonably subject to control by the Alarm User.

Section 22-51: Alarm Permit Required

- A. An Alarm User must obtain an Alarm Permit from the Alarm Systems Coordinator. It shall be unlawful for any Alarm User to operate an Alarm System as described in Section 22-50 within the corporate limits of the City of Winston-Salem without obtaining a permit within ten (10) business days of initial operation or within ten(10) business days from the effective date of this ordinance, whichever comes last. No person shall use an Alarm System when the Alarm Permit for that system has been revoked by the Alarm Systems Coordinator.

- B. The Alarm User must provide complete, accurate information on the Alarm Permit application, including his name, the address of the premises upon which the system has been or will be installed, the mailing address, the telephone number, the type of Alarm System and the business(s) selling, monitoring, inspecting, responding to, and maintaining the Alarm System.
- C. The Alarm User must provide any changes from the information provided on the Alarm Permit application to the Alarm Systems Coordinator within ten (10) business days of the change.
- D. When possession of the Alarm System protected premises changes, the person obtaining possession of the property shall file an application for an Alarm User permit to the Alarm Systems Coordinator within ten (10) business days of obtaining possession of the property. Alarm Permits are not transferable.

Section 22-52: Multiple Alarm Systems

An Alarm User, maintaining multiple Alarm Systems, whether in the same or different locations, shall be required to obtain an Alarm Permit for each system.

Section 22-53: False Alarms

- A. Fire Response

Whenever an alarm is activated in the City and the 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 22-50.

- B. Notification

In the case of false alarms, the incident commander will leave a written notice of the false alarm at, or attached to, the Alarm System premises.

Section 22-54: Appeal of False Alarm Determination and Charges

When requested in writing by the Alarm User within ten (10) business days of response to a false alarm, the Alarm Systems Coordinator 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 Systems Coordinator shall include the following information:

1. Alarm User name;
2. Address at which the alarm is installed;

3. Date and time of the false alarm that is being contested;
4. Alarm User permit number;
5. Facts to establish that the alarm was not false.

Section 22-55: Civil Penalty for False Alarms and Failure to Obtain Applicable Alarm Permit

A. Excessive False Alarms

Four (4) or more false alarms within a permit year is excessive.

B. Civil Penalties

Excessive false alarms for any Alarm System within a permit year shall subject the Alarm User to a civil penalty according to the following schedule:

<u>Number of False Alarms</u>	<u>Amount of Civil Penalty</u>
4 or 5	\$50.00 Each
6 or 7	\$100.00 Each
8 or 9	\$250.00 Each
10 or More	\$500.00 Each

Upon determination that a permit has exceeded any of the above number of false alarms, the Alarm Systems Coordinator, or his designee, shall issue and deliver, by mail, a notification invoice of the civil penalty to the Alarm User. Each civil penalty must be paid within thirty (30) days of notification. Each civil penalty which is not paid, when due, may be recovered by the City in a civil action in the nature of debt.

C. Failure to obtain applicable Alarm Permit

Any person or firm who fails to register their Alarm System with the City of Winston-Salem Alarm Systems Coordinator shall be subject to a civil penalty in the nature of a debt in the amount of one hundred dollars (\$100.00).

Section 22-56: Violations

- A. Except as provided in subsection (B) below, any violation of this article subjects the user to civil penalty.

Except as otherwise provided in Section 22-56B and 22-57B, a person who violates any provision of this article is subject to a civil penalty of \$100.00, which may be recovered by the City in a civil action in the nature of a debt if the violator does not pay the penalty within thirty (30) days after he has been cited for violation of the ordinance. The City may also apply to the General Court of Justice for orders of abatement and injunctive relief in accordance with N.C.G.S. 160A-175(e).

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

Section 22-57: 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.

Section 3: This ordinance shall be effective April 1, 2003.