

ORDINANCE NO. 11-12(2)

AN ORDINANCE TO AMEND CHAPTER 12, REGULATED ENTERPRISES, ARTICLE I, FALSE ALARMS, OF THE CODE OF THE COUNTY OF ALBEMARLE, VIRGINIA

BE IT ORDAINED By the Board of Supervisors of the County of Albemarle, Virginia, that Chapter 12, Regulated Enterprises, Article I, False Alarms, is hereby amended and reordained as follows:

By Adding:

- Sec. 12-100 Purpose**
- Sec. 12-102 Registration of alarm systems designed to seek a police response**
- Sec. 12-103 Maintenance of alarm systems required; disconnection of alarm systems**
- Sec. 12-106 Automatic dialing devices prohibited; penalty**

By Amending and Re numbering:

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| Sec. 12-100 False alarm; defined | to Sec. 12-101 Definitions |
| Sec. 12-101 False alarms prohibited; penalty | to Sec. 12-104 False alarms prohibited; service fees |
| Sec. 12-102 Intentional false alarms a criminal offense | to Sec. 12-105 Deliberate false alarms a criminal offense |
| Sec. 12-104 Administration | to Sec. 12-107 Administration |
| Sec. 12-105 Appeals | to Sec. 12-108 Appeals |

By Repealing:

- Sec. 12-103 Charges for false alarms**

**CHAPTER 12. REGULATED ENTERPRISES
ARTICLE I. FALSE ALARMS**

Sec. 12-100 Purpose.

The board hereby finds that malfunctioning alarm systems, and the false alarms associated with them, constitute a hazard to public safety personnel and to the public in general. The regulation of alarm systems and false alarms is necessary to promote the health, safety and welfare of county citizens. False alerts of intrusions or robberies increase the county’s public safety costs, divert public safety resources from other critical areas of work, and burden the Charlottesville-U.Va.-Albemarle Emergency Communications Center. In order to preserve the integrity and efficiency of the county’s police and fire and rescue emergency services, those who utilize automatic alarm systems must be required to maintain those systems in good working order and to promptly repair any defects which may cause those systems to trigger false alarms.

Sec. 12-101 Definitions.

For the purposes of this article and, unless otherwise required by the context, the following words and terms shall have the meanings respectively ascribed to them by this section:

Alarm system means an assembly of equipment and devices arranged to signal the presence of a hazard requiring urgent attention and to which a police or fire and rescue response is expected.

Alarm system user means: (1) any person or entity owning or leasing an alarm system; or (2) any person or entity owning or leasing the premises on which such alarm system is maintained. An “alarm system user” shall not include the United States, the Commonwealth of Virginia, or their respective agencies or political subdivisions.

Automatic dialing device means any device, system or equipment that automatically transmits over telephone lines, by direct connection or otherwise, a prerecorded voice message or coded signal indicating the existence of an emergency situation to which a police, fire, or emergency medical services response is expected.

Emergency communications center means the regional 911 center known as the Charlottesville-U.Va.-Albemarle Emergency Communications Center.

False alarm means an alarm that causes a police or fire and rescue response when there is no actual or threatened criminal activity, fire, or other emergency requiring an immediate police or fire and rescue response. False alarms shall include, but not be limited to: negligently or accidentally activated signals; signals which are the result of faulty, malfunctioning or improperly installed or maintained equipment; signals which are purposefully activated to

summon a police or fire and rescue response in nonemergency situations; and alarms for which the actual cause is not determined. False alarms shall not include any alarms caused by failure of the equipment at the emergency communications center, or any alarms determined by the responding police or fire and rescue officer to have been triggered by criminal activity, activity unauthorized by the alarm system user, or activity outside the control of the alarm system user.

(Ord. of 4-17-91; Code 1988, § 2.2-1; Ord. 98-A(1), 8-5-98; § 12-100)

State law reference--Va. Code §15.2-911

Sec. 12-102 Registration of alarm systems designed to seek a police response.

A. *General Requirements.* Prior to installing, using or maintaining on any premises within the county an alarm system which is designed to seek a police response, an alarm system user shall register such alarm system by providing the following information, using forms provided by the county, to the chief of police or his designee:

1. The street address of the premises at which the alarm system is to be installed or used (the “premises”); the name, mailing address and telephone number of the owner and lessee, if any, of such premises; and the name and mailing address of an individual (alarm user or designee of the alarm user) to whom notices regarding the alarm system may be sent; and

2. The names, street addresses and telephone numbers of at least two (2) individuals who will have day-to-day responsibility for the premises and alarm system, who will be immediately available to be contacted in the event an alarm is activated, and who are authorized and able to deactivate the alarm system; and

3. A description of the specific type of alarm system, manufacturer’s name, and the name and telephone number of the alarm company monitoring, responding to or maintaining the alarm system; and

4. If registering an alarm system that has been disconnected or disabled following a notice to disconnect or disabled issued pursuant to §12-103, documentation that the alarm system has been repaired or passed inspection by an individual or entity qualified to repair or inspect alarm systems.

B. *Changes in Alarm System Registration Information.* Whenever any registration information provided by an alarm system user pursuant to subsection A changes, the alarm system user shall provide correct, updated information to the chief of police or his designee within ten (10) business days of the change. When an individual or entity takes possession of premises equipped with an activated alarm system, the individual or entity must provide updated registration information within ten (10) business days of taking possession as required by subsection A.

C. *Failure to Register Alarm System.* Upon the first police response to an unregistered alarm system in response to a signal issued by the alarm system, the chief of police or his designee shall issue a written notice to the alarm system user that the alarm system must be registered. Upon the second police response caused by an unregistered alarm system, the alarm system user shall be assessed a service fee in the amount of \$150. On the third or subsequent such response, the alarm system user shall be assessed a service fee in the amount of \$300.

D. Registration of an alarm system shall not create a contract, duty or obligation, either express or implied, for police to respond. Any and all liability and consequential damage resulting from the failure to respond to a notification from an alarm system is hereby disclaimed. By registering an alarm system, the alarm system user acknowledges that police responses may be based on factors such as the availability of responding units, staffing levels, priority of pending requests for services, weather conditions, traffic conditions and other emergency conditions.

Sec. 12-103 Maintenance of alarm systems required; disconnection of alarm systems.

A. *Maintenance of alarm systems.* Alarm system users shall maintain their alarm systems in good working order. Because alarm systems that generate multiple false alarms within a short period of time may be malfunctioning, the chief of police or his designee and the fire and rescue chief or his designee shall have the discretion to suspend responses to an alarm system after the second false alarm generated within a twenty-four (24) hour period; such suspension shall last for the remainder of the twenty-four hour period.

B. *Disconnection of alarm systems.* An alarm system user shall disconnect or disable any alarm system upon a written determination and notice by the chief of police or his designee or by the fire and rescue chief or his designee that the installation, use, operation and/or maintenance of the alarm system would constitute an unreasonable

burden on police or fire and rescue resources. Any alarm system which generates eight (8) or more false alarms within any four (4) day period shall be deemed an unreasonable burden on police or fire and rescue resources. An alarm system user required to disconnect or disable an alarm system shall be entitled to register a new or repaired alarm system at any time in accordance with §12-102.

Sec. 12-104 False alarms prohibited; service fees.

A. *Prohibition.* No alarm system user or other person shall send or activate a false alarm that causes a police or fire-and rescue response where there is no actual or threatened crime, fire, or other emergency requiring an immediate police or fire and rescue response. Violations of this section shall result in the assessment of service fees as provided below.

B. *Service fee amounts.* Alarm system users shall pay a service fee for false alarms within thirty (30) days of billing. The service fee shall be assessed for each false alarm during any twelve (12) month period as follows:

1. First false alarm: No charge.
2. Second false alarm: No charge.
3. Third false alarm: \$100.
4. Fourth false alarm: \$150
5. Fifth false alarm: \$200
6. Sixth and subsequent false alarms: \$300

C. *Service fee assessments.* The county shall cause alarm system users to be billed for false alarms in accordance with the above schedule of service fees. All fees shall be paid within thirty (30) days of billing. Failure to pay a service fee within thirty (30) days of billing shall result in the assessment of a delinquent payment fee in an amount equal to the original fee and the initiation of civil action, as necessary, for the recovery of the unpaid fee.

(Ord. of 4-17-91; Code 1988, § 2.2-4; Ord. 98-A(1), 8-5-98, § 12-101)

State law reference--Va. Code § 15.2-911.

Sec. 12-105 Deliberate false alarms a criminal offense.

It shall be a class 1 misdemeanor for any person to knowingly and without just cause to activate an alarm system to summon a police or fire and rescue response where there is no actual or threatened criminal activity, fire, or other emergency that required an immediate police or fire and rescue response.

(Ord. of 4-17-91; Code 1988, § 2.2-2; Ord. 98-A(1), 8-5-98, § 12-102)

State law reference--Va. Code § 27-97; false alarms,§18.2-212, 18.2-461

Sec. 12-106 Automatic dialing devices prohibited; penalty.

No person or entity shall install, use, or maintain on any premises within the county any automatic dialing device which delivers, or causes to be delivered, any prerecorded voice message or coded signal to the emergency communications center or any department of the county. Violations of this section shall constitute a class 4 misdemeanor.

Sec. 12-107 Administration.

The chief of police, the fire and rescue chief, in coordination with the director of finance, shall have joint responsibility for administering this article under the supervision of the county executive.

(Ord. of 4-17-91; Code 1988, § 2.2-5; Ord. 98-A(1), 8-5-98, § 12-104)

Sec. 12-108 Appeals.

A. *Appeals for Alarms Requiring a Police Response.* Any fee imposed by the police department pursuant to this article or notice to disconnect or disable an alarm system may be appealed in writing to the chief of police, using forms provided by the police department, within ten (10) days of the date of notice of such fee or decision. Upon receipt

of such appeal, the chief of police or his designee may grant relief from the fee or notice or affirm the fee or notice. Should the fee or notice be affirmed, the alarm system user may appeal the decision of the chief of police or his designee to the county executive by filing a written appeal within ten (10) days of the date of the decision. Upon receipt of such appeal, the county executive or his designee may grant relief from the fee or notice, or affirm the fee or notice. The decision of the county executive or his designee is final.

B. *Appeals for Alarms Requiring a Fire and Rescue Response.* Any fee imposed by the county department of fire and rescue pursuant to this article may be appealed in writing to the fire and rescue chief, using forms provided by the department, within ten (10) days of the date of notice of such fee. Upon receipt of such appeal, the chief or his designee may grant relief from the fee, or affirm the fee. Should the fee be affirmed, the alarm system user may appeal the decision of the chief or his designee to the county executive by filing a written appeal within ten (10) days of the date of the decision. Upon receipt of such appeal, the county executive or his designee may grant relief from the fee or affirm the fee. The decision of the county executive or his designee is final.

(Ord. of 4-17-91; Code 1988, § 2.2-6; Ord. 98-A(1), 8-5-98, § 12-105)

This ordinance will be effective on and after November 1, 2011.

I, Ella W. Jordan, do hereby certify that the foregoing writing is a true, correct copy of an Ordinance duly adopted by the Board of Supervisors of Albemarle County, Virginia, by a vote of ____ to ____, as recorded below, at a regular meeting held on _____.

Clerk, Board of County Supervisors

	Aye	Nay
Mr. Boyd	_____	_____
Mr. Dorrier	_____	_____
Ms. Mallek	_____	_____
Mr. Rooker	_____	_____
Mr. Snow	_____	_____
Mr. Thomas	_____	_____