



REQUEST FOR COUNCIL ACTION

City of Greenville, South Carolina

Agenda Item No.

15a

TO: Honorable Mayor and Members of City Council
FROM: John F. McDonough, City Manager

Ordinance/First Reading Ordinance/Second & Final Reading Resolution/First & Final Reading Information Only

AGENDA DATE REQUESTED: May 10, 2021

ORDINANCE/RESOLUTION CAPTION:

ORDINANCE TO AMEND ARTICLE II, BURGLAR ALARMS, OF CHAPTER 21, MISCELLANEOUS PROVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO REDUCE THE NUMBER OF NO CHARGE FALSE ALARMS, ADD ENHANCED VERIFICATION ALARM REQUIREMENT IN SOME CIRCUMSTANCES, AND MATTERS RELATED THERETO

SUMMARY BACKGROUND:

The purpose of this Ordinance is to deter the repeated occurrence of false alarms by improving communication with alarmed locations and alarm companies, combine the false fire and burglar alarm billing, and by providing additional enforcement tools.

IMPACT IF DENIED:

Article II. Burglar Alarms, of Chapter 21, Miscellaneous Provisions, of the Code of Ordinances of the City of Greenville will not be amended.

FINANCIAL IMPACT:

n/a

REQUIRED SIGNATURES

Department Director Howie Thompson
DocuSigned by:
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City Attorney Michael Pitts
DocuSigned by:
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OMB Director _____

City Manager John McDonough
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AN ORDINANCE

TO AMEND ARTICLE II, BURGLAR ALARMS, OF CHAPTER 21, MISCELLANEOUS PROVISIONS, OF THE CODE OF ORDINANCES OF THE CITY OF GREENVILLE TO REDUCE THE NUMBER OF NO CHARGE FALSE ALARMS, ADD ENHANCED VERIFICATION ALARM REQUIREMENT IN SOME CIRCUMSTANCES, AND MATTERS RELATED THERETO

WHEREAS, the city of Greenville has for several years had provisions in the Code of Ordinances charging owners of alarmed locations for false burglar alarms in excess of two per year; and;

WHEREAS, those provisions have recently proved insufficient to deter a large number of false alarms, which unnecessarily consume the limited resources of the Greenville Police Department; and

WHEREAS, false alarm billing for the Greenville City Fire Department has been a separate function from false burglar alarms; and

WHEREAS, charges assessed against persons having an excessive number of false alarms often remain unpaid, and the City currently has few enforcement tools which deter indifference to repeated occurrences; and

WHEREAS, City Council finds that it can act to deter the repeated occurrence of false alarms by improving communication with alarmed locations and alarm companies, combine the false fire and burglar alarm billing, and by providing additional enforcement tools;

NOW THEREFORE BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GREENVILLE, SOUTH CAROLINA, Article II, Burglar Alarms, of Chapter 21, Miscellaneous Provisions, of the Code of Ordinances of the City of Greenville is amended as set forth in the attached Exhibit, which is incorporated herein by reference.

DONE, RATIFIED AND PASSED THIS THE _____ DAY OF _____, 2021.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

REVIEWED:

CITY MANAGER

EXHIBIT

ARTICLE II. - ~~BURGLAR~~ POLICE AND FIRE ALARMS

Sec. 21-51. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

Alarm administrator means a person or entity, whether employed by the City or a third party administrator, designated by the city manager to administer the provisions of this article.

Alarm company means ~~a person or~~ any individual, partnership, corporation, or other business entity engaged in the business of selling, leasing, installing, servicing, maintaining, repairing, replacing and/or monitoring alarm systems in the City of Greenville. An alarm company shall include without limitation any office to which alarm systems are connected, where operators supervise the alarm systems on a continuous basis and where there is a subsequent relaying of the need for emergency public safety response by a live voice to the city's emergency communications center. Where an alarm company contracts with another entity to perform services related to an alarm system, alarm company shall mean any entity contracting with the alarm user. Where more than one entity contracts with the alarm user to provide services related to an alarm system, alarm company shall mean the entity approved by the alarm administrator and designated as the responsible party in such alarm system's registration with the city pursuant to section 21-52 of this division.

Alarm dispatch request means a notification to the police or fire alarm dispatch center by an alarm monitoring contractor that an alarm, either manual or automatic, has been activated at a particular alarm site.

Alarm permit means a permit issued by the city allowing the operation of an alarm system within the city.

Alarm signal means a detectable signal, audible or visual, generated by an alarm system, to which law enforcement or fire services are ~~is~~ requested to respond.

Alarm site means a single premises or location where an alarm system is installed and capable of being operated. Each tenancy, served by a separate alarm system in a building or complex, shall be considered a separate alarm site requiring separate permits.

Alarm system means any single device or assembly of equipment designed to signal the occurrence of an illegal or unauthorized entry to which law enforcement is requested to respond or a fire alarm signal at a location, but does not include motor vehicle or boat alarms, ~~fire alarms~~, domestic violence alarms, or alarms designed to elicit a medical response.

Alarm user means any person, corporation, partnership, proprietorship, governmental or educational entity or any other entity owning, leasing or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

Alarm user awareness class means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

Cancellation means the process where response is terminated when the alarm company (designated by the alarm user) notifies the city police and fire communications center ~~department~~ that there is not an existing situation at the alarm site requiring police response after an alarm dispatch request. If cancellation occurs prior to police arriving at the scene, this is not a false alarm for the purpose of civil penalty, and no penalty will be assessed. Fire alarm activations are not subject to cancellation and require a response by fire personnel.

City means the City of Greenville or its agent.

Compliance standards means equipment and installation methods shall comply with all appropriate nationally recognized testing laboratories and American National Standards Institute (ANSI) requirements.

Duress means a silent alarm system generated by activation at a key pad or device intended to signal a crisis situation requiring police response.

Enhanced Verification means visual or audible confirmation of an attempted or actual crime, fire or other emergency situation at the alarm site by means of:

- a. Confirmation by the alarm user at the alarm site or via self-monitored audio/visual equipment;
- b. Confirmation by a private guard responder or other individual at the alarm site;
- c. Audible and/or visual evidence provided by a monitored alarm system.

False police alarm means the activation of an alarm system when and where, upon inspection by the city police department, there is no evidence of unauthorized entry, robbery, or other such crime attempted in or on the premises, and which would have activated a properly functioning alarm system. Notwithstanding the foregoing, a false alarm does not include an alarm which can reasonably be determined to have been caused or activated by unusually violent conditions of nature.

False fire alarm means the activation of any fire alarm system, which results in a response by the fire department caused by mechanical failure, malfunction, improper installation, lack of proper maintenance, user error or any other means, and not activated by smoke, heat, fire or emergency condition or any other condition the existence of which the fire alarm system is designed to detect.

False alarm means the activation of an alarm system to summon a public safety department that results in: (a) an inspection by a public safety department that indicates no, medical emergency, unauthorized entry, robbery, or other such crime was committed, occurred or attempted in or on the premises which would have activated a properly functioning alarm system; or (b) the cancellation of a request to summon a public safety department due to no emergency situation at the alarm site requiring response. Notwithstanding the foregoing, an alarm activated during an alarm system testing procedure shall not be considered a false alarm so long as the alarm company, or designee, is put on notice that the alarm system is being tested and no public safety department response is requested by the alarm company.

Holdup alarm means a silent or audible alarm signal generated by the manual activation of a device at a commercial property intended to signal a robbery in progress.

Local alarm means an alarm system 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, whether installed by an alarm company or user.

Multi-unit alarm system means an alarm system covering multiple individual units or alarm sites. Each alarm site within a multi-unit alarm system must have a separate alarm permit.

Panic alarm means a silent alarm signal generated by the manual activation of a device in a residence intended to signal a crisis requiring police response.

Permit year means a 12-month period beginning on the day and month on which an alarm permit is issued.

Remote visual inspection means a visual inspection of the premises protected by the burglar alarm system which is accomplished through the use of a video camera or other similar device to capture and provide real-time visual images of the premises to the alarm system user, alarm monitoring company, private guard responder, or any other person or entity authorized by the alarm system user. The visual images must be sufficiently discernable to permit the viewer to confirm that an unauthorized entry, attempted unauthorized entry, or other crime has occurred at the alarmed premises.

Runaway alarm means an alarm system that produces repeated alarm signals within short durations of one another that do not appear to be caused by separate human action. The city police department may, in its discretion, discontinue police responses to alarm signals from what appears to be a runaway alarm.

Two-call Verification ~~Verify~~ means an attempt by the alarm system monitoring company to contact the alarm site and/or alarm user by telephone and/or other means, to determine whether or not actual contact with a person is made, to determine whether an alarm signal is valid before requesting law enforcement response. A second call shall be made to an alternate number provided by the alarm user if the first attempt to contact fails.

Verified response means a public safety response to an alarmed location after visual or audible confirmation of an attempted or actual crime, fire or other emergency situation at the alarm site by means of:

- a. Confirmation by the alarm user at the alarm site or via self-monitored audio/visual equipment;
- b. Confirmation by a private guard responder or other individual at the alarm site; or
- c. Audible and/or visual evidence provided by a monitored alarm system.

(Code 1997, § 21-51; Ord. No. 2011-07, exh. (1), 1-14-2011; Ord. No. [2018-84](#), Exh. A, 10-8-2018)

Sec. 21-52. - Alarm permit.

- (a) *Permit required.* No person shall use an alarm system without first obtaining a permit for such alarm system from the city. A fee ~~may~~ shall be required for the initial registration. Each alarm permit shall be assigned a unique permit number, and both the alarm user and alarm company may be required to provide the permit number along with the address to facilitate law enforcement dispatch.
- (b) *Application.* The permit shall be requested on an application form provided by the city. ~~An alarm user has the duty to obtain an application from the city.~~ The alarm company for the alarmed premise is required to register the alarm with the city prior to activation of the alarm system.
- (c) *Transfer of possession.* When the possession of the premises at which an alarm system is maintained is transferred, and the new owner intends to continue use of the alarm system, the new owner of the property must the person (user) obtaining possession of the property shall file an application for an alarm permit within 30 days of obtaining possession of the property. Alarm permits are not transferable.
- (d) *Reporting updated information.* Whenever the information provided on the alarm permit application changes, the alarm user shall provide correct information, in writing, to the city within 30 days of the change; failure to comply will constitute a violation and result in a civil penalty.
- (e) *Multiple alarm systems.* If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant.
- (f) *Dispatch request to burglar alarm location with no permit number.*

An alarm location for which no permit number can be provided will be allowed one (1) dispatch whether verification of the intrusion is provided or not and a penalty will be assessed. Penalty may be waived upon registration of the alarm within a proscribed period of time. Subsequent requests for dispatch to a burglar alarm location with no permit number will require enhanced verification prior to dispatch and will result in enhancing penalties as outlined in section 21-55 below.

(Code 1997, § 21-52; Ord. No. 2011-07, exh. (2), 1-14-2011; Ord. No. [2018-84](#), Exh. A, 10-8-2018)

Sec. 21-53. - Duties of the alarm user.

Any alarm user in the city shall comply with the following:

- (1) Maintain the premises and the alarm system in a ~~method that will reduce or eliminate~~ manner that prevents false alarms.
- (2) ~~Provide the alarm company the permit number, (the number should be provided to the communications center by the alarm company to facilitate dispatch).~~
- (2) ~~Must~~ Respond or have ~~cause~~ a representative to respond to the alarm system's location within a reasonable amount of time when notified by the city police and fire communications center.~~department.~~
- (43) Refrain from ~~Not~~ manually activate~~ing~~ an alarm for any reason other than an occurrence of an event that the alarm system was intended to report; and.
- (54) At all times ensure that their alarm monitoring company has their current contact information including the name, phone numbers and addresses of all individual authorized to be contacted in the event of an alarm activation. ~~An alarm user must obtain a new permit and pay any associated fees if there is a change in address or ownership of a business or residence.~~

(Code 1997, § 21-53; Ord. No. 2011-07, exh. (3), 1-14-2011)

Sec. 21-54. - Duties of the alarm company.

- (a) Any ~~person~~ entity engaged in the ~~alarm business~~ selling, leasing, installing, altering, moving, servicing or monitoring alarm systems in the city shall comply with the following:
 - (1) Obtain and maintain the required state and ~~of the city,~~ including business licenses;-
 - (2) Register with alarm administrator and provide point-of-contact information for information requests, enforcement actions and any other necessary communications from the city. Alarm company shall notify the alarm administrator as soon as is practicable after any changes to point-of-contact information.
 - (3) For each alarm system installed, provide to the city the name, address, and telephone number of the user or a designee, who can be called in an emergency, 24 hours a day; ~~and contact a key holder or other emergency contact who will respond immediately.~~
 - (4) Annually Provide an updated list of all alarm users within the jurisdiction of the city. ~~to the city the most current contact information for the alarm user.~~
- (b) ~~Ninety days after enactment of this article, the alarm installation companies shall, on all new and upgraded installations, use only alarm control panels which meet SIA Control Panel Standard CP-01.~~
- (b) 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, including how to avoid false alarms and the penalties, fines, and other consequences for excessive false alarms.
- (c) The alarm company shall provide written information to the alarm user of how to obtain service from the alarm company for the alarm system.
- (d) An alarm company performing monitoring services shall:
 - (1) Attempt to verify, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Telephone verification shall require, as a minimum, that a second call be made to a different number, whether or not actual contact is made, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, except in the case of a panic or robbery-in-progress alarm, or in cases where a crime-in-progress has been verified by video and/or audible means.

- (2) Provide alarm user registration number to the city police ~~and fire department~~ communications center to facilitate dispatch and/or cancellations.
- (3) Communicate any relevant, available information about the location of the alarm; ~~and-~~
- (4) Communicate a cancellation of police response to the city police ~~and fire department~~ communications center as soon as is practical ~~possible~~ following a determination that police response is unnecessary.

(Code 1997, § 21-54; Ord. No. 2011-07, exh. (4), 1-14-2011; Ord. No. [2018-84](#), Exh. A, 10-8-2018)

Sec. 21-55. - ~~Prohibited acts~~ Enforcement of provisions.

- ~~(a) It shall be unlawful to activate an alarm system for the purpose of summoning law enforcement when no burglary, robbery or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm.~~
- ~~(b) It shall be unlawful to install, maintain or use an audible alarm system which can sound continually for more than ten minutes.~~
- ~~(c) It shall be unlawful to install, maintain or use an automatic dial protection device that reports, or causes to be reported, any recorded message to the city police department.~~

(Code 1997, § 21-55; Ord. No. 2011-07, exh. (5), 1-14-2011)

(Note to Codifier: Former Sec.21-55 has been relocated to Sec. 21-58)

Sec. 21-~~55~~6. - Enforcement of provisions.

- (a) Excessive false alarms and failure to register. It is hereby found and determined that two or more false alarms within a permit year is excessive, constitutes a public nuisance, and shall be unlawful. Civil penalties for false alarms within a permit year may be assessed against an alarm user or alarm company as follows:

1. Penalties to be assessed against alarm user:

(a) First false alarm: No penalty

(b) Second false alarm: \$50.00

(c) Third false alarm and above
in a 12-month period: \$100.00 following the graduated alarm
fee schedule and the alarmed location placed on 6-month suspension of response
to dispatch request for burglar alarm activations without enhanced verification.
See Section (e) below regarding reinstatement of response to burglar alarm
activations.

(d) Failure to register alarmed location:

1. First Offense: \$100.00 penalty which may be waived by
the alarm administrator upon registration of the alarm and issuance of a
permit number within 30 days of offense.

2. Second Offense: \$200

3. Third offense: \$300

4. Fourth offense: \$400

2. Penalties to be assessed against alarm company:

- (a) Failure to register alarm company with alarm administrator: \$100.00
- (b) Failure to annually provide alarm administrator a list of all alarmed locations being monitored by the company within the city limits: \$100.00
- (c) Failure to notify City prior to placing an alarm into operation within 30 days of installation: \$10.00
- (d) Failure to notify alarm administrator of known changes to relevant alarm location information as outlined in 21-54(a): \$100.00
- (e) Failure to verify activated intrusion alarm for accounts on verified response status: \$250.00
- (f) Failure to provide city communications dispatch with alarm permit number upon dispatch request: \$100.00 penalty which may be waived by the alarm administrator upon registration of the alarm and issuance of a permit number within 30 days of offense.
- (g) Installation of non-recessed holdup alarm button: \$100.00.

~~*Excessive false alarms/failure to register.* It is hereby found and determined that three or more false alarms within a permit year is excessive, constitutes a public nuisance, and shall be unlawful. Civil penalties for false alarms within a permit year may be assessed against an alarm user as follows:~~

- ~~(1) Third and fourth false alarm\$50.00 per false alarm.~~
- ~~(2) Fifth and sixth false alarm\$100.00 per false alarm.~~
- ~~(3) Seventh and eighth false alarm\$250.00 per false alarm.~~
- ~~(4) Ninth and subsequent false alarms\$500.00 per false alarm.~~
- ~~(5) Failure to register alarm or report updated information\$100.00.~~
- (b) *Payment of civil penalty.* Each civil penalty shall be paid within 30 days from the date of the initial invoice.
- (c) *Non-payment of alarm fees by alarm company.* The failure of an alarm company to make payment of any civil penalty assessed under section within 45 days from the date of invoice will result suspension of response to any burglar alarm activations dispatched by the alarm company. Response to panic, duress or fire alarms will never be suspended. The alarm company will be responsible for notifying their subscribers of the suspended response due to the non-payment of alarm fees.
- (d) *Non-payment of alarm fees by alarm user.* The failure of an alarm user to make payment of any civil penalty assessed under section 21-55 within 30 days from the date of invoice will result in the ~~alarm fee penalty being doubled for payment~~ suspension of response to any burglar alarm activations at the alarmed location. Response to panic, duress or fire alarms will never be suspended.
- (e) *Discontinuance of law enforcement response.* Two (2) false alarms from an alarm location within a twelve (12) month period will result in a six (6) month suspension of response to burglar alarms unless an alarm activation is received with enhanced verification. Response to panic, duress or fire alarms will never be suspended. Alarmed locations can be removed from response suspension by either a) obtaining alarm training for users at the alarm location or b) verifying faulty alarm equipment is repaired.

~~The failure of an alarm user to make payment of any civil penalty assessed under this article within 30 days from the date of the invoice shall result in discontinuance of law enforcement response to alarm signals that may occur at the premises described in the alarm user's permit until payment is received. In addition, failure to register and obtain a permit may result in no law enforcement response to an unregistered alarm.~~

- (f) *Civil noncriminal violation.* A violation of any of the provisions of this article shall be a civil violation and shall not constitute a misdemeanor or infraction.
- (g) *Additional Requirements for commercial alarm users with at least two false alarms in an alarm permit year.*

The following requirements will be applicable to commercial alarm users who have at least two false alarms within any year.

- a. Commercial alarm users with at least two false alarms within a permit year will be required to show proof of the installation and functionality of an alarm system with the ability to verify, with audio or video evidence, the validity of an alarm prior to renewal of alarm permit.
- b. A commercial alarm user with at least two false alarms in within a year must verify with in-person, audio or video evidence an unauthorized entry or attempted unauthorized entry upon the premises, building or structure protected by alarm system. Verification may be provided in the following forms:
1. In-person confirmation: confirmation may be made by the alarm system user, other person at or near the scene of the activation or a private guard responder. An in-person confirmation shall include an observation or inspection of the premises; or
 2. Digital verification: on-site digital verification may be made by an alarm systems contractor or alarm user verifying the validity of alarm through digital surveillance. The images must confirm unauthorized entry or attempted unauthorized entry.

(Code 1997, § 21-56; Ord. No. 2011-07, exh. (6), 1-14-2011; Ord. No. [2018-84](#), Exh. A, 10-8-2018)

Sec. 21-567. - Alarm user awareness class.

The city may create and implement an alarm user awareness class and may request the assistance of the area alarm companies to assist in developing and implementing the class. The class shall inform alarm users of the problems created by false alarms and instruct alarm users how to help reduce false alarms. The city may grant the option of attending a class in lieu of paying one assessed fine, not to exceed \$100, or to reinstate emergency services response after an alarmed location has been placed in a suspended status.

(Code 1997, § 21-57; Ord. No. 2011-07, exh. (7), 1-14-2011)

Sec. 21-578. - Appeals.

- (a) *Appeals process.* Assessments of civil penalties and other enforcement decisions made under this article may be appealed by filing a written notice of appeal with the city police department within ten days after the date of notification of the assessment of civil penalties or other enforcement decision. The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the assessment of penalties or other enforcement decision. The hearing officer shall create a record of documents or other materials that form the basis of the officer's decision and shall issue a written memorandum of the officer's final decision regarding the appeal. Appeals shall be heard through an administrative process established by the city. The hearing officer's final decision is subject to review in the circuit court.

- (b) ~~Appeal standard. The hearing officer shall review a~~ An appeal from the assessment of civil penalties or other enforcement decisions using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment of civil penalties or other enforcement decision, the hearing officer shall have the discretion to dismiss or reduce civil penalties or reverse any other enforcement decision where warranted.

(Code 1997, § 21-57; Ord. No. 2011-07, exh. (8), 1-14-2011; Ord. No. [2018-84](#), Exh. A, 10-8-2018)

(Note to Codifier: Former Sec.21-55 has been relocated to Sec. 21-58)

Sec. 21-58. – Prohibited Acts

- (a) It shall be unlawful to activate an alarm system for the purpose of summoning law enforcement when no burglary, robbery or other crime dangerous to life or property is being committed or attempted on the premises, or otherwise to cause a false alarm.
- (b) It shall be unlawful to install, maintain or use an audible intrusion alarm system which can sound continually for more than ten minutes.
- (c) It shall be unlawful to install, maintain or use an automatic dial protection device that reports, or causes to be reported, any recorded message to the city police department.

(Code 1997, § 21-55; Ord. No. 2011-07, exh. (5), 1-14-2011)

Sec. 21-59. - Confidentiality.

In the interest of public safety, all information contained in and gathered through the alarm registration applications, no response records, applications for appeals and any other sensitive alarm records shall be held in confidence by all employees and/or representatives of the city, subject to applicable state and federal law.

(Code 1997, § 21-59; Ord. No. 2011-07, exh. (9), 1-14-2011)

Sec. 21-60. - Government immunity.

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that the city police department response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior false alarm response history for a particular location.

(Code 1997, § 21-60; Ord. No. 2011-07, exh. (10), 1-14-2011)

Sec. 21-61. - Severability.

The provisions of this article are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.

(Ord. No. [2018-84](#), Exh. A, 10-8-2018)