

THE COUNTY COMMISSION OF TUCKER COUNTY, WV
AN ORDINANCE PERTAINING TO THE
REGULATION OF FALSE ALARMS IN TUCKER COUNTY.

WHEREAS, WV Code 7-1-3cc(3)(d) authorizes the County Commission to establish standards for alarm systems, including security, fire and medical alarms; and

WHEREAS, the goal is to reduce false alarms. Our past experience indicates the primary cause of false alarms are (1) Operator error; (2) Poorly installed equipment; (3) Poor quality equipment; and (4) Failure to maintain equipment.

WHEREAS, response to false alarms consumes many hours of valuable Law Enforcement, EMS and Fire Department time and resources, reduces mental preparedness of officers and members responding to alarms that an actual emergency exists and presents significant health, safety and welfare hazards to the citizens of Tucker County. Those who utilize faulty alarm systems which repeatedly generate false alarms that necessitate response are misusing available Law Enforcement, EMS and Fire Department resources; and **WHEREAS**, it is the intent of the County

Commission that this ordinance be enforced particularly against those who are chronic offenders, that first time offenses be dealt with in a way that educated the citizens as to the problem caused by false alarms, and with a warning that chronic abuse will result in monetary penalties; and

WHEREAS, the County Commission of Tucker County finds that the adoption of a false alarm ordinance is in the best interest of the public health, safety, and welfare of the citizens of Tucker County; now, therefore.

**BE IT ORDAINED BY THE COUNTY COMMISSION OF
TUCKER COUNTY AS FOLLOWS:**

Section 1. This ordinance shall be known as and be referred to as the **“Tucker County False Alarm Code”**.

Section 2. Definitions:

- (A) As used in this ordinance, such words and phrases shall have the following meanings:
 - (1) **ALARM BUSINESS** means the business, by an individual, partnership, corporation or other entity, of selling, leasing, servicing, repairing, altering, replacing, moving, installing or Monitoring an Alarm System in an Alarm site, for security, fire and medical alarms also.
 - (2) **ALARM DISPATCH REQUEST** means a Notification to the 911 Center by the Alarm

Business that an alarm, either manual or automatic has been activated at a Particular Alarm Site.

- (3) ALARM SITE means 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.
- (4) ALARM SYSTEM means any device designed forth detection of unauthorized entry on or alerting others of the commission of an unlawful act, or fire or medical emergency, and when activated causes an audible and/or visual signal or transmits a signal or message to which law enforcement officers or medical or fire personnel are expected to respond or which would imply to a reasonable person that law enforcement officers are needed at the alarm source to investigate a criminal activity or emergency.
- (5) ALARM USER means any person, firm, partnership, company, association, corporation or owner, tenant or lessee or their authorized agent or representative of premises on which an alarm or medical alert is installed, maintained or utilized.
- (6) FALSE ALARM means the activation of an Alarm System resulting in a response by the Tucker County Sheriff's Department or any other Law Enforcement Officer, EMS or Fire Department to the building, place or premises on which the Alarm System is located when the responding officer finds no evidence of a criminal offense or attempted criminal offense or fire or after having completed a timely investigation of the Alarm Site. An Alarm Dispatch Request which is

cancelled by the Alarm Business or the Alarm User within thirty (30) minutes of the call or before the responding agencies begin to physically respond shall not be considered a False Alarm. **Response to medical alert alarms are not considered false alarms even if pressed by mistake.**

- (7) **UNFOUNDED ALARM** means some activity other than equipment malfunction or improper installation. Further, if there is in the opinion of the Responding Officer that some criminal activity or outside cause has occurred.
- (8) **MONITORING** means the process by which an Alarm Business receives signals from Alarm Systems and relays an Alarm Dispatch Request to the Tucker County 911 Center for the purpose of summoning Law Enforcement or Fire response to the Alarm Site.

Section 3. Registration of Fire Alarm System.

Every Alarm User must register with the Tucker County 911 Center.

- (1) A yearly Registration Fee of \$25.00, payable at the Tucker County Sheriff's Office, shall be required for any Alarm System. Medical alert systems are exempt from the registration fee but they must be registered. This will help with locating the individual with the medical alert. The \$25.00 Registration fee will be divided as follows: 1/4th to the County Commission, 1/4th will be shared by all four County Fire Departments, 1/4th to the Sheriff or Law Enforcement and 1/4th to the EMS. The penalty fees will be sent to the responding entity on a quarterly basis.

- (2) The year will run from July 1st to June 30th. The Fee shall be prorated.
- (3) Registrations shall not be transferable from one Premises to another or from one Alarm User to another.
- (4) Every Alarm Business shall notify the Tucker 911 Center of the existence of an Alarm System prior to the Alarm System being put into operation except the systems that are in operation when this ordinance is passed. It shall be the responsibility of the installing Alarm Business to provide the Alarm User with notice of the existence of this ordinance, a Registration form and a copy of the Alarm System operation instructions in accordance with the adopted ordinance, and the manufacture's instructions.
- (5) The Registration form shall include the following information:
 - (A) The name(s), physical address of the Premises, mailing address (if different from the address of the Premises), business and home telephone number of Owner, Lessee, Operator, Manager or person in possession of the Premises wherein the Alarm System is installed.
 - (B) The name, address and telephone number of a minimum of two (2) persons who can be notified by the Tucker 911 Center in the event of the activation of the Alarm System, who shall be capable of responding to the Premises within one-half (1/2) hour, and who

are authorized to enter the Premises to ascertain the status thereof.

- (C) The name, address and telephone number of the Alarm Business which has contracted to service the Alarm System and proof of proper state licensing. Proof of proper state licensing may be a valid state licensing number.
 - (D) The date the Registration is signed or the Alarm System is placed in operation for and reason.
- (6) The User shall complete and deliver the Alarm System Registration in the required format to the Tucker 911 Center before the Alarm System is activated or placed into service, except the systems that are in use when this ordinance is passed. The Alarm Business, when authorized by the User, may assist the User in accomplishing this submission of the Alarm Registration to the Tucker 911 Center.
- (7) When any of the information required in Section 3 (5) A and B or C has changed, it shall be reported to the Tucker 911 Center within fifteen (15) days of the User becoming aware of such change. Failure to do so shall result in a fine of \$50.00.

Section 4. Violation.

Each False Alarm is a violation of this Ordinance.

Section 5. Penalty Assessment Procedure and Penalty.

- (1) Any Alarm User who has a False Alarm shall for the first two offenses pay no penalty.

- (2) Third False Alarm in a twelve (12) month period shall be \$100.00 penalty. Fines shall be payable at the Tucker County Sheriff's Office.
- (3) Fourth False Alarm in a twelve (12) month period shall be \$200.00 penalty.
- (4) Any subsequent False Alarm in a twelve (12) month period is subject to the maximum penalty of \$500.00. These records shall be kept on the computer at the 911 Center.

Section 6. Payment of Penalties:

All penalties must be paid within thirty (30) days after receiving notification of the same.

If the User does not pay the penalties within thirty (30) days from the date of notification, by certified mail, return receipt requested, the Tucker 911 Center will not respond to calls from the residence. Delivery is complete if signed by the owner, stamped refused or failed to pick up.

Section 7. Disposition of Penalties.

All penalties for the violation of this ordinance shall be paid into the treasury of Tucker County and disposed of as stated in Sec 3(1).

Section 8. Interpretation.

This ordinance shall be so interpreted and construed as to effectuate its general purpose to conform to State law. Section headings and cross references of this ordinance shall not be deemed to govern, limit, modify or affect in any manner the scope, meaning or extent of the

provisions of this ordinance or any section thereof.

Section 9. Application.

This ordinance shall apply to every Alarm Site which is tied into the Tucker County 911 Center.

Section 10. Severability.

If any section, clause, sentence or part of this ordinance is adjudged by a court of competent jurisdiction to be invalid, such invalidity shall not affect, impair or invalidate the other provisions of this ordinance which can be given effect without such invalid provision.

Section 10. Effective Date.

This Ordinance shall be effective thirty (30) days after passage.

INTRODUCED, READ AND ADOPTED ON FIRST READING on _____, 20____, and ordered published in the Parsons Advocate.

THE COUNTY COMMISSION OF TUCKER COUNTY, WEST VIRGINIA.

President

ADOPTED ON _____, _____.