



**ORDINANCE 2009-090 OF THE MORRISVILLE TOWN COUNCIL PERTAINING TO  
THE FALSE ALARM CODE AND FEE SCHEDULE**

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**WHEREAS**, the False Alarm Fees should be updated to track alarm ordinance violations; and

**WHEREAS**, the fee collection process is proposed to be updated from quarterly to annually to be more efficient prompting review of this ordinance; and

**WHEREAS**, this must be reflected by removing the fees from the ordinance as they were already adopted in the approved budget fee schedule; and

**WHEREAS**, the alarm fee section of the budget fee schedule is proposed to be updated to the following:

1-3	Free
4-5	\$ 80.00
6-8	\$150.00
9-10	\$200.00
10+	\$300.00

**NOW, THEREFORE, BE IT RESOLVED THAT THE MORRISVILLE TOWN COUNCIL** hereby adopts the proposed false alarm fees into the budget fee schedule to be effective January 01,2010 as well as amending the Town Code of Ordinances with the same effective date as follows:

**Article II. Alarm Systems**

**Sec. 30-36. Definitions.**

**Sec. 30-37. False alarm policy.**

**Sec. 30-38. Automatic dialing protection devices prohibited.**

**Sec. 30-39. Prohibited acts.**

**Sec. 30-40. Enforcement of provisions; methods of enforcement.**

**Sec. 30-41. Appeal to town manager.**

**Sec. 30-42. Duties of the chief of police**

**ARTICLE II.**

**ALARM SYSTEMS\***

\* **Editors Note:** Ord. No. 01-46, adopted Aug. 13, 2001, enacted new provisions which in effect superseded provisions formerly set out as art. II of this chapter. Former art. II, §§ 30-36--30-38, pertained to alarm systems and derived from an ordinance of Oct. 26, 1987, §§ 1--3; and Ord. No. 95-10, §§ 1--4, adopted Jan. 23, 1995. Sections 1--7 of Ord. No. 01-46 have been included herein as a new art. III, §§ 30-36--30-42, at the editor's discretion.

**State Law References:** Giving false fire alarms, G.S. 14-286; making false ambulance request, G.S. 14-286.1; alarm systems defined, G.S. 74D-2.

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**Sec. 30-36. Definitions.**

The following words, terms and phrases, when used in this article shall have the meanings ascribed to them in this section, except where the context requires otherwise:

*Alarm system* means any type of electronic hold-up or burglar alarm installed in any nonresidential property within the corporate limits of the town.

*Alarm user* means any person, corporation, partnership, proprietorship, 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.

*Automatic dial protection device* means an automatic dialing device or an automatic telephone dialing alarm system and shall include any system which, upon being activated, automatically initiates to the police department, a recorded message or code signal indicating a need for police response.

*Employee* means any person holding an entry key, code and/or card to enter the property whether it be a full time or part time person, or a person conducting any business therein.

*False alarm* means an alarm signal generated by an alarm system which results in the dispatching of police department personnel to the alarm system premises, when the alarm system is improperly set off due to faulty alarm panel, electronic card reader, door sensor, window sensor, glass breakage sensor, floor sensor, infrared system or motion detector for any reason including installation, repair, or any employee entering the property for any lawful reason, but improperly entering the alarm code or causing the alarm to activate for any reason or for any reason other than the alarms intended purpose for which the alarm system was designed and installed. A false alarm does not include any alarm system signal generated by severe weather conditions, utility service interruption beyond the control of the owner/operator, an act of God or the premises are unlawfully entered by any employee or alarm user.

(Ord. No. 01-46, § 1, 8-13-01)

**Sec. 30-37. False alarm policy.**

(a) If an alarm system generates three false alarms in a calendar year the chief of police shall notify the owner or operator of the premises where the alarm system is installed by certified mail, that such alarm system is in violation of the alarm policy set forth by the town council. Such alarm system will be placed under probation for the remainder of the calendar year. The probationary period shall begin when the chief of police receives a receipt showing the above mentioned party has received the certified letter.

(b) If, at any time during the probationary period following the written notice by the chief of police, the same alarm system generates a false alarm, the business or resident where the system is installed shall be liable to the town for any and all civil penalty as called for in the budget fee schedule.

(Ord. No. 01-46, § 2, 8-13-01)

**Sec. 30-38. Automatic dialing protection devices prohibited.**

No automatic dial protection device shall be used to report, or cause to be reported, any recorded message to the police department.

(Ord. No. 01-46, § 3, 8-13-01)

**Sec. 30-39. Prohibited acts.**

(a) It shall be unlawful for any person to violate any provision of this article.

(b) It shall be unlawful for any person to activate a burglary or robbery alarm for the purpose of summoning police when no burglary or robbery, or other crime dangerous to life or property, is being committed or attempted on the premises, or otherwise to cause a false alarm.

(c) It shall be unlawful for an alarm user to fail to reimburse the town, in accordance with the provisions of this article, for response(s) by the police department to any false alarm(s).  
(Ord. No. 01-46, § 4, 8-13-01)

**Sec. 30-40. Enforcement of provisions; methods of enforcement.**

The town may enforce the provisions of this article by one or combination of the following methods:

- (1) *Civil penalty.* Any person who violates any provision of this article may be fined by a civil penalty of \$100.00 which may be recovered by the town in a civil action in the nature of a debt if the violator does not pay the penalty within 30 days from the date the violator is notified of the penalty. Any other service charges imposed by this article may be collected by the town as a civil penalty in a civil action.
- (2) *Equitable remedy.* The town may apply to a court of competent jurisdiction for an injunction, abatement order or any other appropriate equitable remedy.

(Ord. No. 01-46, § 5, 8-13-01)


**Sec. 30-41. Appeal to town manager.**

Any owner of premises subject to a civil penalty under the terms of this article may, within 30 days after notification of such penalty, appeal the penalty to the town manager. The town manager is authorized to affirm, compromise, or waive the entire penalty based on evidence provided to him by the owner of the premises.  
(Ord. No. 01-46, § 6, 8-13-01)

**Sec. 30-42. Duties of the Chief of police**

The chief of police shall be responsible for recording all pertinent date and information regarding false burglar or hold-up alarms within the town's corporate limits and shall report all such information to the town manager once a month.  
(Ord. No. 01-46, § 7, 8-13-01)

Adopted this the 27<sup>th</sup> day of October, 2009.

  
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Ian Faulkner, Mayor

ATTEST:

  
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Diana R. Davis, Town Clerk

