


enforcement of city ordinances and was not to be associated with duties of the Building Inspector) Councilman Kerby seconded the motion and it passed with six affirmative votes.



The Mayor presented a recommendation from the Public Safety Committee to make changes to Chapter 46 "Offenses and Miscellaneous Provisions", Article IV. False Alarms, of the City's Code of Ordinances. The changes to the ordinance includes wording to address the responding of the fire department to false alarms; the appeal of an assessment of a false alarm service fee to be directed to the City Administrator rather than the chief of police; and to amend the Fee Schedule Policy to add false alarm service fees for buildings over 39,999 sq.ft. ranging in cost from \$150 per call to \$225 per call with no charge for the first three false alarms within a calendar year. Councilman Baxter made a motion to approve the first reading, of the change to Chapter 46 as presented, to dispense with the second reading and approve the change to Chapter 46 "Offenses and Miscellaneous Provisions", Article IV. False Alarms as presented. Councilman Myrick seconded the motion and it passed with six affirmative votes.

City Administrator Akridge presented recommendation to make an amendment to the FY 2010-2011 budget to transfer \$5,000 from miscellaneous equipment in the Legislative & Administrative budget to miscellaneous equipment in the general maintenance department and to transfer \$4,775 from SPLOST to cover the expenses of approximately \$14,775, noting that the City was able to save the cost of an additional generator by transferring the generator from Well #2 to the maintenance department and installing a generator at the new fire station that would service both the fire building and the well. Councilman Myrick made a motion make the budget amendment as stated. Councilman Crosby seconded the motion and it passed with six affirmative votes.

The Mayor advised an executive session had been requested for discussion of potential litigation and personnel issues and directed the City Attorney to advise council if the executive session request has met the criteria of the open meetings act. The Attorney reported that based on the information submitted it met the criteria of the open meetings act. Councilwoman Griffin made a motion to adjourn into executive session for discussion of potential litigation and personnel issues. Councilman Myrick seconded the motion and it passed with six affirmative votes. Prior to adjourning to the executive session Citizen Billy Strozier questioned if the Veterans' Memorial would be brought for a vote. Mayor Tipton obtained a consensus from councilmembers regarding placing this matter on the next agenda; the consensus of Councilmembers Kerby, Myrick and Baxter were affirmative for placing it on the next council agenda and Councilmembers Crosby, Rawlings and Griffin were negative for placing it on the next agenda. Mayor Tipton broke the tie with an affirmative vote to place it on the next agenda for April 21, 2011.

At the conclusion of the executive session, Councilman Crosby made a motion to return to the general session and to execute the signed affidavit as required by the Open Meetings Act. Councilman Myrick seconded the motion and it passed with five affirmative votes. **Note:** Councilman Rawlings did not return to the general session.

**Mayor Tipton reported that this concluded the items presented for consideration for inclusion on the council agenda prior to the deadline of Wednesday, March 30, 2011.**

The accounts payable were presented with Councilman Myrick making a motion to pay the bills. Councilwoman Griffin seconded the motion and it passed with five affirmative votes.

There being not further business, Councilman Kerby made a motion to adjourn at 8:40pm, Councilwoman Griffin seconded the motion and it passed with five affirmative votes.

Respectfully submitted, Diane Proudfoot, Asst. City Clerk

*Approval date  
Changes as  
highlighted*

10/04/2012

## ARTICLE IV. FALSE ALARMS

### Sec. 46-101. 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 clearly indicates a different meaning:

*Alarm system* means an assembly of equipment and devices arranged to signal the presence of a hazard requiring urgent attention by the police department.

*False alarm* means an alarm and alarm signal eliciting notification to and response by the police or fire department when there is no evidence of a crime, fire, or other activity that warrants a call for immediate police department assistance and no person who was on or near the property or has viewed a video communication from the property called for the police or fire dispatch or confirmed the need for police or fire department assistance. The term "false alarm" does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances beyond the control of the alarm user, i.e., acts of God.

(Ord. of 10-21-1999, § 14-5(b))

**Cross references:** Definitions generally, § 1-2.

### Sec. 46-102. Fee established.

To discourage excessive false alarms at any single residential or commercial location, enhance the safety of officers responders of the police department or fire department, protect the lives and property of the citizens of the city, reduce unnecessary use of police department or fire department resources, and produce revenues to defray the costs of police department or fire department responses to false alarms, a false alarm service fee is established and shall be as set forth in the schedule of fees and charges on file in the office of the city clerk.

(Ord. of 10-21-1999, § 14-5(a))

### Sec. 46-103. Rate and base.

The owner or lessee of any residential or commercial property with an alarm system shall pay to the city a fee for each false alarm responded to by the police department or fire department within a calendar year. For the first three false alarms there shall be no fee, but a warning in writing shall be given. For the fourth and all further responses in any calendar year, the fees, as set forth in the schedule of fees and charges on file in the office of the city clerk, shall apply.

(Ord. of 10-21-1999, § 14-5(c))

### Sec. 46-104. Exceptions.

Each of the following circumstances shall not constitute a false alarm and no fee shall be assessed:

- (1) Alarm conditions activated by a person working on the alarm system with prior notification to the police department and/ or fire department;
- (2) Alarms which can be substantiated as being activated by electrical interruptions, floods, storm conditions or other natural disasters; and
- (3) Alarm malfunctions, if corrective measures have been taken within 72 hours with notification to the police department or fire department, documenting repair service to remedy the malfunction.

(Ord. of 10-21-1999, § 14-5(d))

Sec. 46-105. Appeal.

Any owner or lessee of an alarmed premises may appeal the assessment of a false alarm service fee to the chief of police City Administrator. Such appeal shall be in writing and filed with the chief of police City Administrator within ten days of the notification of the assessment. Upon appeal, the chief of police City Administrator may consider the facts and circumstances of the false alarm, i.e., whether the false alarm was caused by violent conditions of nature or other extraordinary circumstances beyond the control of the alarm user, and other relevant information. (Ord. of 10-21-1999, § 14-5(e))

Sec. 46-106. Shutoff requirement.

Alarm systems employing audible signals shall be equipped with shutoff devices that automatically silence the audible signal 20 minutes after the alarm is initially activated. (Ord. of 10-21-1999, § 14-5(f))

Sec. 46-107. Maintenance and operation.

The owner or lessee of any residential or commercial property with an alarm system shall maintain the premises and alarm system in a manner that will minimize or eliminate false alarms. The owner or lessee of any commercial property with an alarm system shall respond or cause their representative to appear at the system location within a reasonable period of time when notified by the police department or monitoring company to provide access to the premises, deactivate the alarm system, or provide security at the alarm location. (Ord. of 10-21-1999, § 14-5(g))

Sec. 46-108. No response to frequent false alarms; appeal of no response determination.

(a) When the chief of police or chief of fire determines whether to make an immediate dispatch in response to notification of a signal from a security alarm system, the chief may disregard a call for police or fire assistance when:

- (1) The call for assistance comes from an alarm system for a premises that has a record of sending more than three false alarms within a calendar year; and
- (2) The call is the only basis for making the dispatch.

(b) The chief of police or chief of fire may consider such a call for assistance as an additional factor in the chief's decision to order an immediate police or fire response when an in-person call, verification from a person at or near the premises, or other independent evidence shows a need for immediate police or fire assistance at the premises.

(c) To discourage alarms, the chief of police or chief of fire shall adopt a process of sending a letter or delivering other written notice informing the alarm user who has had a false alarm of the consequences of excessive false alarms, the need to take corrective action, and the prospect that more than three false alarms in a calendar year shall result in the police or fire disregarding alarms from the premises and not responding to requests for immediate police or fire assistance unless there is an in-person call for assistance from someone at or near the premises or other independent information that verifies the need for an immediate police or fire response.

(d) Before determining not to respond to alarms from a premises as specified in this section, the chief of police or chief of fire shall send or deliver notice to the alarm user that:

- (1) More than three false alarms have been received from the premises within a calendar year;
- (2) The remedy authorized in subsection (a) of this section may be taken;

- (3) The alarm system user may request a hearing before the chief or the chief's designee and explain why the chief should not take the proposed action;
- (4) If no hearing is requested, the department will after ten days from the delivery of the notice disregard alarms from the premises unless there is an in-person call for assistance from someone at or near the premises or other independent information that verifies the need for an immediate police response; and
- (5) A requirement of an in-person communication or other verification shall remain in effect for a period of six months.
- (e) If a hearing is requested, the chief of police or chief of fire shall schedule the hearing within ten days of the receipt of the request. At the hearing, the chief of police or chief of fire may consider such factors as the steps that the alarm user has taken, or is taking, to correct the problem; the incidents of crime in the area of the premises; the facts and circumstances of the false alarm; and other relevant information presented by the alarm user.
- (f) The chief of police or chief of fire may suspend or cancel the remedy under subsection (a) of this section if the chief determines that the alarm user has taken appropriate actions to prevent the reoccurrence of false alarms.
- (Ord. of 10-21-1999, § 14-5(h))

**Sec. 46-109. Administration.**

The police and fire departments is are responsible for monitoring false alarm incidents. The city clerk is responsible for collection of false alarm service fees.

(Ord. of 10-21-1999, § 14-5(i))

**Cross references:** Administration, ch. 2.

**Sec. 46-110. Due date; late payment penalties.**

False alarm service fees, as established in section 46-102, are due and payable within 30 days after billing. Fees not paid by the due date shall be subject to execution fees and interest charges.

(Ord. of 10-21-1999, § 14-5(j))

**Sec. 46-111. Payment of fee; condition of doing business.**

Payment of false alarm service fees, as established in section 46-102, and as documented by the police department or Fire Department and billed to a business, is a condition of that business operating within the city. The city clerk is authorized to withhold issuing or renewing a business license or business tax certificate to a business which has failed to pay a false alarm service fee. Any business which operates or continues to operate within the city, when its business certificate or license has been withheld for nonpayment of the false alarm service fee, will be deemed to be operating without a certificate or license, and will be subject to the penalties resulting therefrom.

(Ord. of 10-21-1999, § 14-5(k))

- False Alarm Service Fee for Buildings up to 39,999 ft2: no charge for first three false alarms with a calendar year

4 <sup>th</sup>	thru	10 <sup>th</sup>	false	alarm	\$ 50.00	response	fee	per	call
11th	thru	20th	false	alarm	\$ 75.00	response	fee	per	call
21st	thru	30th	false	alarm	\$100.00	response	fee	per	call
False alarms in excess of 30					\$125.00	response	fee	per	call

- False Alarm Service Fee for Buildings over 39,999 ft2: no charge for first three false alarms with a calendar year

4 <sup>th</sup>	thru	10 <sup>th</sup>	false	alarm	\$ 150.00	response	fee	per	call
11th	thru	20th	false	alarm	\$ 175.00	response	fee	per	call
21st	thru	30th	false	alarm	\$200.00	response	fee	per	call
False alarms in excess of 30					\$225.00	response	fee	per	call

**ARTICLE III**

**Private Detectives, Private Security and Alarm System Business**

(Article III deleted and replaced in its entirety on February 26, 2010.)

**§10-301** Title. The Title of the Ordinance shall be the Chatham County Private Detectives, Private Security and Alarm System Business Ordinance.

**§10-302** Definitions.

1. Private detective business shall mean the business of obtaining or furnishing, or accepting employment to obtain or to furnish, information with reference to:
  - a. Crimes or wrongs done or threatened against the United States of America or any state or territory thereof;
  - b. The background, identity, habits, conduct, business, employment, occupation, assets, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations transactions, acts, reputation, or character of any person;
  - c. The location, disposition, or recovery of lost or stolen property;
  - d. The cause or responsibility for fires, libels, accidents, damage, or injury to persons or property;
  - e. The securing of evidence in the course of private detective business to be used before any court, board, officer, or investigation committee; or
  - f. The protection of individuals from serious bodily harm or death.
2. Private security business shall mean engaging in the business of, or accepting employment to provide private patrol service, watchman service, or guard service for consideration on a private contractual basis and not as an employee.

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3. Alarm system business shall mean any person, partnership or corporation engaging in the business of planning, installing, servicing, maintaining, repairing, replacing, or monitoring alarm systems within the unincorporated limits of Chatham County.

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4. Alarm system shall mean an assembly of equipment and devices arranged to signal the presence of a hazard to which the Chatham County Police Department, Savannah Fire Department, or Southside Fire Department is expected to respond. (Amended February 9, 2018.)
5. Alarm system coordinator refers to the person or entity designated to administer the provisions of this ordinance.
6. False alarm shall mean a bell, mechanical, electrical, or telephone apparatus or combination thereof which is activated for the purpose of summoning the Chatham County Police Department to respond when evidence of hazards is found and the responding service is not needed. Exceptions will be made for alarms activated during system repair or maintenance, provided there is prior notification. Exceptions will be made for false alarms occurring during tornadoes or hurricanes and during widespread power outages exceeding three hours in duration. Such exceptions will not be counted as false alarms. (Amended February 9, 2018.)
7. Registered alarm user shall mean any person, business, or entity, including governmental agencies who own or lease an alarm system from a licensed alarm system business, or on whose premises a licensed alarm system is maintained for the protection of the premises.

**§10-303    Occupational Tax Certificate Required.**

1. All persons engaged or seeking to engage in a private business, a private security business, or an alarm system business shall comply with the requirements of this Article. Tax certificates issued pursuant to this Article shall be valid from the date of issuance through December 31st of the year in which the tax certificate is issued. The tax certificate shall be in a conspicuous place at the business location.

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2. The fees and charges of the tax certificate required pursuant to this Article shall be as specified in the Chatham County Revenue Ordinance.
3. The Chatham County Department of Building Safety and Regulatory Services shall be authorized to make or cause to be made inspections to determine compliance with the tax certificate posting provisions of the Article.

### **§10-304    Application; Issuance of Tax Certificates.**

1. The business owner, or in the event of a corporation, desiring to operate a business covered under this Article shall make an 10 - 8 application on a form provided by the Chatham County Department of Building Safety and Regulatory Services for the purposes of registering said business and obtaining a tax certificate to operate said business in unincorporated area of Chatham County.
2. The Police Chief may grant or renew a tax certificate to any business meeting the following qualifications:
  - a. The applicant and all persons employed by the applicant must be at least 18 years of age.
  - b. The applicant and all persons employed by the applicant must be a citizen of the United States or must have a U.S. Immigration Service work permit.
  - c. Private detective business and private security business applicants must provide proof of a valid state license as required under O.C.G.A. § 43-38-6, and alarm system business applicants must provide proof of a valid state license as required under O.C.G.A. § 43-14-8.1. Alarm system installation businesses must provide proof that a minimum of one employee of the company has the required low voltage electrician's license issued by the State of Georgia.
  - d. The applicant must register and provide proof that the applicant and all persons employed by the applicant have not been convicted of a felony or any crime involving the illegal use,



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carrying, or possession of a dangerous weapon or any crime involving moral turpitude.

e. The applicant must inform the Police Chief in writing upon hiring a new unregistered employee and must provide proof that the new employee has not been convicted of a felony or any crime involving the illegal use, carrying, or possession of a dangerous weapon or any crime involving moral turpitude. The new employee must be registered with the Police Chief prior to assuming any duties regulated by this Article.

f. The applicant must inform the Police Chief in writing 30 days if the applicant or an employee of the applicant is convicted of a felony or any crime involving the illegal use, carrying, or possession of a dangerous weapon or any crime involving moral turpitude.

3. It shall be unlawful for any person to conduct any alarm system business without first paying the required fees and obtaining an alarm system business tax certificate.

4. Omit without substitution. (Amended February 9, 2018.)

**§10-305** Uniforms; Vehicles. It shall be unlawful for any person having a tax certificate under this ordinance to wear uniforms or to use vehicular markings which are confusingly similar to the uniform and vehicle markings of the Chatham County Police Department. (Amended February 9, 2018.)

**§10-306** Alarm Systems Monitoring; Registration of Alarm Users; Police and Fire Service Response; Fees for False Alarms.

1. Each alarm system business must provide to the Alarm System Coordinator a listing of locations that are using an alarm system as defined in Section 10-302(4) of this article furnished by said business. This listing must be in a computerized format specified by the Alarm System Coordinator. All locations on the listing will be considered registered alarm users. Each alarm system business is responsible for supplying the Alarm System Coordinator with any changes to its list of registered alarm users within 72 hours. A registration fee as required by the Chatham County Revenue Ordinance, will be collected

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by the alarm system business and remitted to the alarm System Coordinator for each registered user at the time of registration.

2. Only those locations registered by a licensed alarm system business will be eligible to receive police services in response to an activated alarm. Unregistered alarm users may not receive a police response to an alarm. Audible alarm from unregistered locations are subject to violation of the Chatham County Noise Ordinance.
3. Excessive false alarms for registered alarm users are considered to be any number in excess of three (3) false alarms during the 12-month billing cycle. All police responses to excessive false alarms will be billed to the alarm user and the alarm system business providing monitoring services to the registered alarm user. The fees for false alarms and the method of billing is as provided in the Revenue Ordinance.
4. All police responses to false alarms at unregistered locations will be charged a fee and will be billed as provided in the Revenue Ordinance.
5. The police department is responsible for monitoring and documenting false alarms incidents. A listing of alarm companies with excessive false alarms, locations with excessive false alarms, and the number of excessive false alarms will be maintained by the Alarm Systems Coordinator.
6. The Police Chief may at this discretion identify those critical or high risk locations or institutions that are not subject to automatic suspension for false alarms (as provided for when such suspension would be detrimental to the safety of the public.

### **§10-307 Audible Alarm System Cutoff Required; Self-Dialing Prohibited.**

1. Every alarm system which uses an audible alarm device to attract the attention of the public shall be equipped with an automatic five (5) minute or less cutoff device or shall be silenced manually within five (5) minutes after activation.
2. Self-dialing devices that call police directly from the alarm location are prohibited. Alarms must ring into a

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monitored central station which can verify the alarm prior to calling police. It is unlawful to maintain, operate, connect, or allow to be maintained, operated, or connected, any automatic dialing device which automatically dials the police department and then relays any prerecorded message to report any robbery, burglary, fire or other emergency.

**§10-308**    Provision for Compliance. Those alarm system businesses not in conformity with the provisions of this ordinance at the time of its adoption shall have a period of sixty (60) days from the effective date of the ordinance to conform to the requirements thereof.

**§10-309**    Suspension or Revocation. The Police Chief may, after hearing, suspend or permanently revoke a tax certificate issued under this ordinance, if it is determined that the holder of such tax certificates has committed an act which is a violation of this ordinance or the provision of any Federal or State law, or other ordinance of Chatham County, Georgia, including provisions relating to collection and remittance of permitting, registration and false alarm fees.

**§10-310**    Severability. If any section of this ordinance is declared unconstitutional, illegal or void, it shall not affect or impair any of the remaining sections of this ordinance.

**§10-311**    Repealer. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

**§10-312**    Effective Date. This ordinance shall become effective on February 26, 2010.

**Sec. 6-2687. - Alarm systems monitoring; registration of alarm users, police and fire service response; fees for false alarms.**

- a. Each alarm system business must provide to the alarm systems coordinator a listing of locations that are using an alarm system as defined in subsection 6-2685(d) furnished by said business. This listing must be in computerized format specified by the alarm system coordinator. All locations on the listing will be considered registered alarm users. Each alarm system business is responsible for supplying the alarm system coordinator with any changes to its list of registered alarm users within 72 hours. A registration fee as required by the annual revenue ordinance, article Y, section 34, will be collected by the alarm system business and remitted to the alarm system coordinator for each registered user at the time of registration.
- b. Only those locations registered by a license alarm system business will be eligible to receive police services in response to an activated alarm. Unregistered alarm users may not receive a police response to an alarm. Audible alarms from unregistered locations are subject to violation of the city noise ordinance, section 9-2034.
- c. All registered alarms users will receive standard fire service response. Unregistered alarm users will receive a standard fire service response to an alarm until three false alarms are incurred during the 12-month billing cycle. The fourth and succeeding false alarms to an unregistered location will cause the Savannah Fire Department response to be reduced to a one-engine response. All unregistered alarm users will receive standard fire response upon becoming registered.
- d. Excessive false alarms for registered alarm users are considered to be any number in excess of three false alarms during the 12-month billing cycle. All police and fire responses to excessive false alarms will be billed to the alarm user and the alarm company system business providing monitoring service to the registered alarm user. The fees for false alarms and the method of billing is as provided in the annual revenue ordinance.
- e. All police and fire responses to false alarms at unregistered locations will be charged a fee and will be billed as provided in the annual revenue ordinance.
- f. The police and fire departments are responsible for monitoring and documenting false alarm incidents. A listing of alarm companies with excessive false alarms, locations with excessive false alarms, and the number of false alarms will be maintained by the alarm systems coordinator.
- g. The police chief may at his discretion identify those critical or high-risk locations that are not subject to automatic suspension for false alarms when such suspension would be detrimental to the safety of the public.

(Ord. of 1-23-2003, § 2)

## Sec. 46-29. - False alarm service fee.

- (a) *Established.* To discourage excessive false alarms at any single residential or commercial location, enhance the safety of officers of the city police and fire departments, protect the lives and property of the citizens of the city, reduce unnecessary use of police and fire department resources, and produce revenues to defray the costs of police and fire department responses to false alarms, a false alarm service fee is hereby established.
- (b) *Definitions.* [The following terms, when used in this section, shall have the meanings ascribed below:]
- (1) *Alarm system* means an assembly of equipment and devices arranged to signal the presence of a hazard requiring urgent attention by the city police and/or fire department.
  - (2) *False alarm* means an alarm and alarm signal eliciting notification to and response by the police or fire department when there is no evidence of a crime, fire, or other activity that warrants a call for immediate police or fire department assistance and no person who was on or near the property or has viewed a video communication from the property called for the police or fire dispatch or confirmed the need for police or fire department assistance. "False alarm" does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances beyond the control of the alarm user (i.e., acts of God).
- (c) *Rates.* The owner or lessee of any residential or commercial property with an alarm system shall pay to the City of Garden City a fee for each false alarm responded to by the police or fire departments within a calendar year. For the first three false alarms, there shall be no fee, but a warning in writing shall be given. For the fourth and all further responses in any calendar year, the following fees shall apply:

Number of False Alarms	Response Fee Per Call
4—10	\$50.00
11—20	\$75.00
21—30	\$100.00
In excess of 30	\$125.00

- (d) *Exceptions.* Each of the following circumstances shall not constitute a false alarm and no fee

shall be assessed:

- (1) Alarm conditions activated by a person working on the alarm system with prior notification to the city police and/or fire department.
  - (2) Alarms which can be substantiated as being activated by electrical interruptions, floods, storm conditions, or other natural disasters.
- (e) *Appeal.* Any owner or lessee of an alarmed premises may appeal the assessment of a false alarm service fee to the city administrator. Such appeal shall be in writing and filed with the city administrator within ten days of the notification of the assessment. Upon appeal, the city administrator may consider the facts and circumstances of the false alarm (i.e., whether the false alarm was caused by violent conditions of nature or other extraordinary circumstances beyond the control of the alarm user), and other relevant information.
- (f) *Shutoff devices on alarm systems.* Alarm systems employing audible signals shall be equipped with shutoff devices that automatically silence the audible signal 20 minutes after the alarm is initially activated.
- (g) *Maintenance to minimize false alarms; response by owner of commercial property.* The owner or lessee of any residential or commercial property with an alarm system shall maintain the premises and alarm system in a manner that will minimize or eliminate false alarms. The owner or lessee of any commercial property with an alarm system shall respond or cause their representative to appear at the system location within a reasonable period of time when notified by the city police or fire department or monitoring company to provide access to the premises, deactivate the alarm system, or provide security at the alarm location.
- (h) *No response to frequent alarms; appeal of no-response determination.*
- (1) When the chief of police determines whether to make an immediate dispatch in response to notification of a signal from a security alarm system, the chief may disregard a call for police assistance when:
    - a. The call for assistance comes from an alarm system for a premises that has a record of sending more than three false alarms within a calendar year; and
    - b. The call is the only basis for making the dispatch.
  - (2) The chief may consider such a call for assistance as an additional factor in the chief's decision to order an immediate police response when an in-person call, verification from a person at or near the premises, or other independent evidence shows a need for immediate police assistance at the premises.
  - (3) To discourage alarms, the chief shall adopt a process of sending a letter or delivering other written notice informing the alarm user who has had a false alarm of the consequences of excessive false alarms, the need to take corrective action, and the prospect that more than three false alarms in a calendar year shall result in the police

disregarding alarms from the premises and not responding to requests for immediate police assistance unless there is an in-person call for assistance from someone at or near the premises or other independent information that verifies the need for an immediate police response.

- (4) Before determining not to respond to alarms from a premises as specified above, the chief shall send or deliver notice to the alarm user that:
  - a. More than three false alarms have been received from the property within a calendar year;
  - b. The remedy authorized in subsection (1), above, may be taken;
  - c. The alarm system user may request a hearing before the chief or the chief's designee and explain why the chief should not take the proposed action;
  - d. If no hearing is requested, the department will after ten days from the delivery of the notice disregard alarms from the premises unless there is an in-person call for assistance from someone at or near the premises or other independent information that verifies the need for an immediate police response; and
  - e. A requirement of an in-person communication or other verification shall remain in effect for a period of six months.
- (5) If a hearing is requested, the chief shall schedule the hearing within ten days of the receipt of the request. At the hearing, the chief may consider such factors as the steps that the alarm user has taken, or is taking, to correct the problem; the incidents of crime in the area of the premises; the facts and circumstances of the false alarm; and other relevant information presented by the alarm user.
- (6) The chief may suspend or cancel the remedy under subsection (1), above, if the chief determines that the alarm user has taken appropriate actions to prevent the recurrence of false alarms.
- (i) *Failure to pay.* The payment of false alarm service fees billed to a business is a condition of that business operating within the city. The city administrator is authorized to withhold issuing or renewing a business license or business tax certificate to a business which has failed to pay a false alarm service fee. Any business which operates or continues to operate within the city when its business certificate or license has been withheld for nonpayment of the false alarm service fee will be deemed to be operating without a certificate or license, and will be subject to the penalties resulting therefrom.

(Ord. of 4-15-96, § 1; Ord. of 11-4-96(2), §§ 1, 2; Ord. of 2-3-97(1), § 1; Ord. of 3-6-00, § 1)

**Cross reference—** Fire department, § 34-31 et seq.

## Pooler.Ga -- Code of Ordinances – False Alarm Ordinance

### • Sec. 42-313. - False alarm service fee.

(a) *Established.* To discourage excessive false alarms at any single residence or commercial location, enhance the safety of officers of the city police and fire departments, protect the lives and property of the citizens of the city, reduce unnecessary use of police and fire department resources, and produce revenues to defray the costs of police and fire department responses to false alarms, a false alarm service fee is hereby established.

(b) *Definitions.* The following terms, when used in this section, shall have the meanings ascribed below:

- (1) *Alarm system* means an assembly of equipment and devices arranged to signal the presence of a hazard requiring urgent attention by the city police and/or fire department.
- (2) *False alarm* means an alarm and alarm signal eliciting notification to and response by the police or fire department when there is no evidence of a crime, fire, or other activity that warrants a call for immediate police or fire department assistance and no person who was on or near the property or has viewed a video communication from the property called for the police or fire dispatch or confirmed the need for police or fire department assistance. "False alarm" does not include an alarm signal caused by violent conditions of nature or other extraordinary circumstances beyond the control of the alarm user (i.e., acts of God).

(c) *Rates.* The owner or lessee of any residential or commercial property with an alarm system shall pay to the City of Pooler a fee for each false alarm responded to by the police or fire departments within a calendar year. For the first three alarms, there shall be no fee, but a warning shall be given. For the fourth and all further responses in any calendar year, violators shall be assessed a fee of \$100.00 per false alarm in excess of the allotted three.

(d) *Exceptions.* Each of the following circumstances shall not constitute a false alarm and no fee shall be assessed:

- (1) Alarm conditions activated by a person working on the alarm system with prior notification to the city police and/or fire department.
- (2) Alarms which can be substantiated as being activated by electrical interruptions, floods, storm conditions, or other natural disasters.

(e) *Appeal.* Any owner or lessee of an alarmed premises may appeal the assessment of a false alarm services fee to the city manager. Such appeal shall be in writing and filed with the city manager within ten days of the notification of the assessment. Upon appeal, the city manager may consider the facts and circumstances of the false alarm (i.e., whether the false alarm was caused by violent conditions of nature or other extraordinary circumstances beyond the control of the alarm user), and other relevant information.

(f) *Shutoff devices on the alarm systems.* Alarm systems employing audible signals shall be equipped with shutoff devices that automatically silence the audible signal 20 minutes after the alarm is initially activated.

(g) *Maintenance to minimize false alarms; response by owner of commercial property.* The owner or lessee of any residential or commercial property with an alarm system shall maintain the premises and alarm system in a manner that will minimize or eliminate false alarms. The owner or lessee of any commercial property with an alarm system shall respond or cause their representatives to appear at the system location within a reasonable period of time when notified by the city police or fire department or monitoring company to provide access to the premises, deactivate the alarm system, or provide security at the alarm location.

(h) *No response to frequent alarms; appeal of no-response determination.*



## **Pooler.Ga -- Code of Ordinances – False Alarm Ordinance**

- (1) When the chief of police determines whether to make an immediate dispatch in response to notification of a signal from a security alarm system, the chief may disregard a call for police assistance when:
- a. The call for assistance comes from an alarm system for a premises that has a record of sending more than three false alarms within a calendar year; and
  - b. The call is the only basis for making the dispatch.
- (2) The chief may consider such a call for assistance as an additional factor in the chief's decision to order an immediate police response when an in-person call, verification from a person at or near the premises, or other independent evidence shows a need for immediate police assistance at the premises.
- (3) To discourage alarms, the chief shall adopt a process of sending a letter or delivering other written notice informing the alarm user who has had a false alarm of the consequences of excessive false alarms, the need to take corrective action, and the prospect that more than three false alarms in a calendar year shall result in the police disregarding alarms from the premises and not responding to requests for immediate police assistance unless there is an in-person call for assistance from someone at or near the premises or other independent information that verifies the need for an immediate police response.
- (4) Before determining not to respond to alarms from a premises as specified above, the chief shall send or deliver notice to the alarm user that:
- a. More than three false alarms have been received from the property within a calendar year;
  - b. The remedy authorized in subsection [(h)](1), above, may be taken;
  - c. The alarm system user may request a hearing before the chief or the chief's designee and explain why the chief should not take the proposed action;
  - d. If no hearing is requested, the department will after ten days from the delivery of the notice disregard alarms from the premises unless there is an in-person call for assistance from someone at or near the premises or other independent information that verifies the need for an immediate police response; and
  - e. A requirement of an in-person communication or other verification shall remain in effect for a period of six months.
- (5) If a hearing is requested, the chief shall schedule the hearing within ten days of the receipt of the request. At the hearing, the chief may consider such factors as the steps that the alarm user has taken, or is taking, to correct the problem; the incidents of crime in the area of the premises; the facts and circumstances of the false alarm; and other relevant information presented by the alarm user.
- (6) The chief may suspend or cancel the remedy under subsection (1), above, if the chief determines that the alarm user has taken appropriate actions to prevent the recurrence of false alarms.

(i) *Failure to pay.* The payment of false alarm service fees billed to a business is a condition of that business operating within the city. The city administrator is authorized to withhold issuing or renewing a business license or business tax certificate to a business which has failed to pay a false alarm service fee. Any business which operates or continues to operate within the city when its business certificate or license has been withheld for nonpayment of the false alarm service fee will be deemed to be operating without a certificate or license, and will be subject to the penalties resulting therefrom.

(j) *Penalty.* Any person committing a violation of this section shall, upon conviction, be punished as provided in section 1-12 of this Code.

(Ord. of 9-16-2002, §§ 1, II; Ord. of 5-7-2014(1), § I)

# City of Port Wentworth

## ORDINANCE NO. 07-16

An ORDINANCE for the Purpose of amending Chapter 8 "Fire Prevention and Protection", Article I, "In General", Section 8-2 "False Fire Alarms" to the Code of Ordinances of the City of Port Wentworth.

**DELETED ENTIRELY:** Chapter 8, "Fire Prevention and Protection", Article I, "In General", Section 8-2 "False Fire Alarms"

**AMENDED:** Chapter 8, "Fire Prevention and Protection", Article I, "In General", Section 8-2 "False Fire Alarms" by adding the following:

### *Sec. 8-2. False Fire Alarm Ordinance*

WHEREAS, this jurisdiction finds that a high incidence of False Fire Alarms and/or Nuisance Fire Alarms causes a significant misuse of the manpower and resources of the fire department by causing the dispatch of emergency units to the scene of a Nuisance Fire Alarm or False Fire Alarm, which renders them out of service and unavailable to respond to legitimate emergency situations; and,

WHEREAS, this jurisdiction finds that the continued high incidence of False Fire Alarms and/or Nuisance Fire Alarms are a threat to the health, safety and welfare of the citizens of the City of Port Wentworth; and,

WHEREAS, this jurisdiction finds that the procedures and Fees for multiple False Fire Alarms and Nuisance Fire Alarms would serve the public health, safety and welfare.

NOW THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF PORT WENTWORTH.

#### *(a) Purpose*

- 1) The purpose of this Ordinance is to encourage Owners and Fire Alarm Businesses to properly use and maintain the operational effectiveness of Fire Alarm Systems in order to improve the reliability of Fire Alarm Systems and reduce or eliminate False Fire Alarms and Nuisance Fire Alarms.
- 2) This Ordinance governs Fire Alarm Systems intended to summon fire department personnel, and requires registration, assessment of fees for excessive False Fire Alarms and Nuisance Fire Alarms, provides procedures for repeat offenders, provides for the severability of the parts hereof if declared invalid, and provides an effective date.

**(b) Definitions**

As used in this Ordinance, the following words and terms shall have the following meanings:

- 1) **Adopted Code(s)** means code adopted by the jurisdiction and in the absence of adopted code, the National Fire Protection Association National Fire Alarm Code 72 (NFPA 72) and the National Fire Protection Association Life Safety Code 101 (NFPA 101).
- 2) **Alarm Initiating Device** means a device that is designed to respond either manually or automatically to smoke, fire, or activation of a fire suppression system.
- 3) **Enforcement Official** means the Fire Chief or his designated representative.
- 4) **False Fire Alarm** means the activation of any Fire Alarm System which results in a response by the fire department and which is caused by the negligence or intentional misuse of the Fire Alarm System by the Owner, its employees, agents or any other activation of a Fire Alarm System not caused by heat, smoke or fire, exclusive of a Nuisance Fire Alarm.
- 5) **Fee** means the assessment of a monetary charge payable to the City of Port Wentworth pursuant to this Ordinance, to defray the expenses of responding to a False Fire Alarm or Nuisance Fire Alarm.
- 6) **Fire Alarm Activation Report** means a document issued by the Enforcement Official indicating that the activation was deemed to be the result of fire alarm activation due to fire, a Nuisance Fire Alarm, or a False Fire Alarm.
- 7) **Fire Alarm Business** means any individual, partnership, corporation or other entity that is appropriately licensed in the state/jurisdiction and installs, causes to be installed, permits to be installed, alters, maintains, repairs, replaces or services (including Runner Services) any Fire Alarm System.
- 8) **Fire Alarm System** means a system or portion of a combination system consisting of components and circuits arranged to monitor and/or exterior annunciate the status of a fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals.
- 9) **Fire Watch** means an Enforcement Official approved person or persons assigned to the Premises for the purpose of protecting the occupants from fire or similar emergencies. A Fire Watch may involve at least some special action beyond normal staffing, such as assigning an additional security guard(s) to walk the Premises, who has been specially trained in fire prevention and in the use of fire extinguishers, in notifying the fire department, in sounding the Fire Alarm System located on the Premises, and in understanding the particular fire safety situation.
- 10) **Monitored System** means the process by which a Fire Alarm Business receives signals from a Fire Alarm System and notifies emergency forces.

- 11) **Nuisance 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 or any other response for which the Fire Department personnel are unable to determine the apparent cause of the alarm activation.
- 12) **Owner** means any person who owns the Premises in which a Fire Alarm System is installed or the person or persons, who lease, operate, occupy or manage the Premises.
- 13) **Premises** means any building, structure or combination of buildings and structures which serve as dwelling units such as single-family, multi-family or any other area within a building, structure or combination thereof which is used for any purpose, wherein a Fire Alarm System is installed.
- 14) **Qualified Fire Alarm Technician** means any person who inspects, installs, repairs or performs maintenance on Fire Alarm Systems. This person shall be: a) factory trained and certified; b) National Institute of Certification in Engineering Technologies (NICET) Fire Alarm Level II certified; or c) licensed or certified by state or local authority.
- 15) **Record of Completion** means the completion of a form equivalent to the record of completion form included in the National Fire Protection Association's National Fire Alarm Code (NFPA 72)
- 16) **Registration** means the notification by an Owner to the Enforcement Official that a Fire Alarm System has been installed and is in use.
- 17) **Report of Service/Repair** means appropriate documentation in a format acceptable to the Enforcement Official that verifies proper repairs or maintenance has been performed by both the Fire Alarm Business and the Owner.
- 18) **Runner Service** means the service provided by a runner at the protected premises, including resetting and silencing of all equipment transmitting fire alarm or supervisory signals to an off-premises location.
- 19) **Serve** shall mean hand-delivery of written notification by a representative of the jurisdiction to the Owner or authorized representative who responded to the Premises. In the event the Owner or authorized representative fails to respond to the Premises within one (1) hour, Serve shall mean placing the form or other matter in the United States mail; postage prepaid, addressed to the Owner or authorized representative.

**(c) Registration of Fire Alarm System**

- 1) A one-time Registration shall be required for Fire Alarm Systems and whenever a Record of Completion is prepared, in accordance with Adopted Codes.
- 2) The Owner shall be required to re-register whenever there is a change in the Fire Alarm Business responsible for maintaining, servicing, and/or monitoring the Fire Alarm System.

**(e) Inspection, Testing and Maintenance**

- 1) The Owner shall ensure that all Fire Alarm Systems are inspected and tested at least once per year in accordance with Adopted Codes.
- 2) The Owner shall ensure that all Fire Alarm Systems are periodically maintained per manufacturer specifications and Adopted Codes.

**(f) Fire Alarm Activation; Response**

- 1) The Owner shall be responsible for the activation of a Fire Alarm System.
- 2) A response to the activation of a Fire Alarm System shall result when any officer or member of the Fire Department is dispatched to the Premises where the Fire Alarm System has been activated.
- 3) At the time of response, the Enforcement Official shall notify any person identified in the Registration required pursuant to Section 3(E) (1-3) of the activation of the Fire Alarm System and shall require such person to respond to the Premises.
- 4) In the event the Fire Alarm System is a Monitored System, it is the responsibility of the company monitoring the Fire Alarm System to notify any person identified in the Registration at the request of the Enforcement Official.
- 5) In the event the household Fire Alarm System is a Monitored System, it is the responsibility of the Fire Alarm Business to offer the Owner the option to verify the Fire Alarm signal before dispatch, as allowed by Adopted Code.
- 6) In the event the household Fire Alarm System is a Monitored System, it is the responsibility of the Fire Alarm Business to forward cancellation of a Fire Alarm signal to the fire department.
- 7) The officer or member of the fire department who responded to said Premises shall serve the Owner or authorized representative with a Fire Alarm Activation Report.

**(g) Nuisance Fire Alarms**

- 1) In the event the activation of a Fire Alarm System is deemed by the Enforcement Official to be a Nuisance Fire Alarm, the Owner shall be served with a Fire Alarm Activation Report by an officer or member of the fire department, indicating that the activation was deemed to be the result of a Nuisance Fire Alarm.
  - 2) This shall require the Owner to return a completed Report of Service/Repair within fifteen (15) days of receipt of the Fire Alarm
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- 3) Registrations shall not be transferable from one Premise to another or from one Owner to another.
- 4) Every Fire Alarm Business shall notify the Enforcement Official of the existence of a Fire Alarm System prior to the Fire Alarm System being put into operation. It shall be the responsibility of the installing Fire Alarm Business to provide the Owner with notice of the existence of this ordinance, a Registration form and a copy of the Fire Alarm System operation instructions in accordance with Adopted Codes, and the manufacturer's instructions.
- 5) The Registration form shall include the following information:
  - (a) The name(s), address of the Premises, mailing address (if different from the address of the Premises), business and home telephone number of the Owner, lessee, operator, manager or person in possession of the Premises wherein the Fire Alarm System is installed;
  - (b) The name, address and telephone number of a minimum of two (2) persons who can be notified by the Enforcement Official, in the event of the activation of the Fire Alarm System, who shall be capable of responding to the Premises within one (1) hour, and who is authorized to enter the Premises to ascertain the status thereof;
  - (c) The name, address and telephone number of the Fire Alarm Business which has contracted to service the Fire Alarm System and proof of proper state licensing/registration with the Enforcement Official, if required. Proof of proper state licensing may be a valid state licensing number.
  - (d) The date the Registration is signed or the Fire Alarm System is placed in operation for any reason; and
  - (e) Any other documentation that is required by Adopted Codes.
- 6) When any of the information required in Section 3(E)(1), 3(E)(2), or 3(E)(3) has changed, it shall be reported to the Enforcement Official by the Owner within fifteen (15) days of the Owner becoming aware of such change;
- 7) The Owner shall complete and deliver the Fire Alarm System Registration in the required format to the Enforcement Official before the Fire Alarm System is activated or placed into service. The Fire Alarm Business, when authorized by the Owner, may assist the Owner in accomplishing this submission of the Fire Alarm Registration to the Enforcement Official.

**(d) System Certification**

All newly installed or re-certified commercial Fire Alarm Systems shall be approved by the Enforcement Official. The certification shall indicate that the Fire Alarm System is in compliance with Adopted Codes. The certification shall be signed by a Qualified Fire Alarm Technician.

Activation Report to verify, to the reasonable satisfaction of the Enforcement Official, that:

- (a) The Fire Alarm System has actually been examined by a Qualified Fire Alarm Technician; and
  - (b) A bona fide attempt has been made to identify and correct any defect of design, installation or operation of the Fire Alarm System which was identifiable as the cause of the Nuisance Fire Alarm.
- 3) Failure to return a Report of Service/Repair within said fifteen (15) day period, which is reasonably satisfactory to the Enforcement Official, shall result in assessment against the Owner of a Fee of \$ 100.00 for the Nuisance Fire Alarm.

**(h) Service Fees**

- 1) The provisions of this Section shall not apply to any newly installed Fire Alarm System for a period of forty-five days (45)\* from the date of installation, but shall apply from and after the expiration of the initial forty-five day (45)\* period following installation.
  - 2) Should any Fee assessed pursuant to this Ordinance remain unpaid in excess of ninety (90) days from the date Fee is billed, a late Fee in the amount of \$ 50.00 shall be assessed and shall be payable by the Owner of the Premises in addition to the original Fee.
  - 3) False Fire Alarm:
    - (a) No Fee shall be assessed for the first three (3) False Fire Alarms at the same premises responded to by the fire department during each calendar year. Thereafter, the Owner shall pay the following Fees for False Fire Alarms responded to by the fire department at the same Premises during each calendar year, except when the Fire Alarm Business is responsible for the False Fire Alarm per Section 8(C) (2).
    - (b) The Fire Alarm Business shall be assessed a Fee of (See Appendix A – Service Fees) if an Enforcement Official determines that a False Fire Alarm was directly caused by an onsite employee or representative of the Fire Alarm Business. In this event, no False Fire Alarm shall be counted against the Owner.
    - (c) False Fire Alarms activated by any components connected to the Fire Alarm System shall be included in computing the total number of False Fire Alarms for purposes of this subsection.
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- (d) The activation of a Fire Alarm System will not be considered a False Fire Alarm if the alarm is activated due to malicious causes beyond the control of the Owner.
- 4) The following fees shall be assessed for False Fire Alarms:
  - (a) Number of False Fire Alarms Service Fee per False Fire Alarm:
    - 1. First to Third (No Charge)
    - 2. Fourth (\$ 100.00)
    - 3. Fifth (\$ 250.00)
    - 4. Sixth and above (\$ 500.00)
- 5) Nuisance Fire Alarms
  - 5. The following fees shall be assessed when a Report of Service/Repair has been returned to the Enforcement Official, but the Nuisance Fire Alarms continue:
  - 6. Number of Nuisance Fire Alarms Service Fees
  - 7. First to Third (No Charge)
  - 8. Fourth (\$ 100.00)
  - 9. Fifth (\$ 250.00)
  - 10. Sixth and above (\$ 500.00)

**(i) Remedies and Penalties**

- 1) The Enforcement Official has the authority to order a Fire Watch in accordance with Adopted Codes, due to repetitive Nuisance Fire Alarms and/or False Fire Alarms, until corrective action is taken, or to revoke the occupancy certificate for the premises by written notice to the Owner of the Premises, for any of the following reasons:
  - (a) Failure to meet all requirements or pay the Fees provided for in this Ordinance within fifteen (15) days after the notice is mailed to the Owner;
  - (b) Failure of the Owner to provide a written Report of Service/Repair required by this Ordinance;
  - (c) A fourth False Fire Alarm or Nuisance Fire Alarm at a Premise for which a Fee is charged pursuant to this Ordinance as a result of the failure of the Owner to take corrective action to eliminate the cause of the False Fire Alarm or Nuisance Fire Alarm; or
  - (d) The failure of a person notified pursuant to Section 3(E) (2) and Section 6(B) (1) of this Ordinance to appear within one (1) hour after being notified to respond, if such failure to timely response occurs four or more times within a calendar year.
  - (e) The written notice to disconnect or deactivate shall be mailed by certified mail, return receipt requested to the Owner and



Owner shall have fifteen (15) days after the written decision is mailed to the Owner to comply with the order. The appeal of an order to disconnect or deactivate shall suspend the effective date of the order until the appeal has been acted upon by the Enforcement Official.

- 5) In the event the appeal is not upheld, the Owner or Fire Alarm Business shall also be responsible for any Fee assessed to reimburse the Enforcement Official for any legal fees or costs incurred by the Enforcement Official in enforcement of this Ordinance.

**(k) Reconnection of Fire Alarm System**

- 1) A Fire Alarm System may be reactivated upon a finding by the Enforcement Official that the Owner of the Premises has taken corrective action to remedy the cause of the False Fire Alarms or Nuisance Fire Alarms at the Premises.
- 2) In making a request for such a reactivation, the Owner shall have the burden of showing what corrective action has been taken.
- 3) The Enforcement Official shall have the right to inspect the Fire Alarm System and test it prior to approving a new order to reconnect or reactivate the Fire Alarm System.
- 4) A reconnection fee of (\$15.00) shall be assessed to the Owner before any reconnection of a Fire Alarm System may be made.
- 5) The Enforcement Official shall not approve a new order to reconnect or reactivate if the Owner has failed to pay any Fee pursuant to this Ordinance.

**(l) Confidentiality**

Any information supplied to the Enforcement Official shall be held in confidence by all employees or representatives of the Enforcement Official and by any third-party administrator or employees of a third-party administrator with access to such information.

**(m) Government Immunity**

Registration of a Fire Alarm System 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. When registering a Fire Alarm System, the Owner acknowledges that fire department response may be based on factors such as: availability of fire department units, priority of calls, weather conditions, traffic conditions, emergency conditions, and staffing levels. The City, its officers, employees and agents shall not assume any duty or responsibility for the installation, maintenance, operation, repair or effectiveness of any privately owned Fire Alarm System, those duties or responsibilities being solely those of the Owner of the Premises.

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shall specify the date on which the Owner shall be required to disconnect or deactivate the Fire Alarm System. This date shall be at least fifteen (15) days after the notice is mailed to the Owner. The Owner may appeal the order of the Enforcement Official pursuant to Section 10.

- (f) Each building affected because the signal from the Fire Alarm System has been disconnected or deactivated shall be required to establish a Fire Watch until the Fire Alarm System has been returned to service. Duties of the Fire Watch may include notifying the fire department and building occupants of an emergency, preventing a fire from occurring, or extinguishing small fires.
  - 1) The Owner is responsible for paying all costs associated with establishing a Fire Watch.
  - 2) The Enforcement Official has the authority to temporarily suspend the occupancy certificate of the Premises until all outstanding repairs are made on the Fire Alarm System or if the Fire Watch is not maintained to the satisfaction of the Enforcement Official.
  - 3) The Enforcement Official shall have the authority to direct the Owner of the Premises to silence an activated Fire Alarm System, have corrective action taken and thereafter reset it.
  - 4) Anyone convicted of falsifying reports as required under this Ordinance is subject to maximum penalty as established by state or local law.

#### **(j) Appeals**

- 1) An Owner or Fire Alarm Business may appeal the assessment of fees to the Enforcement Official.
- 2) The filing of an appeal with the Enforcement Official stays the assessment of the Fee until the Enforcement Official makes a final decision. The Owner or Fire Alarm Business shall file a written appeal to the Enforcement Official by setting forth the reasons for the appeal within fifteen (15) days after notice is mailed.
- 3) An Owner to whom a notice to disconnect or deactivate a Fire Alarm System was mailed, pursuant to Section 9 (B), shall be entitled to appeal the order to the Enforcement Official.
- 4) An appeal must be in writing, stating the reasons why the order to disconnect or deactivate should be withdrawn. The appeals shall be made within fifteen (15) days after notice to disconnect is mailed to the Owner. The Enforcement Official or his designee shall review the facts and circumstances and shall determine whether the Owner has shown good cause why the order should be withdrawn. If the Enforcement Official affirms the order to disconnect or deactivate a Fire Alarm System, the

**(n) Severability**

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

Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

This Ordinance shall take effect immediately.

APPROVED BY THE MAYOR AND COUNCIL OF THE CITY OF PORT  
WENTWORTH, GEORGIA, THIS 28 DAY OF June, 2007.

  
GLENN JONES, MAYOR

FIRST READING: 5/26/07  
SECOND READING: 6/28/07

ATTEST:   
MIRIAM JORDAN, CLERK  


## Thunderbolt, Georgia -- Code of Ordinances – False Alarm Ordinance

- **Sec. 10-104. - False alarm ordinance.**

1. *Definitions.* For the purposes of this chapter, the terms herein shall be defined as follows:

- a) Reserved for future use.
- b) *Alarm system business* means any person, partnership or corporation engaging in the business of planning, installing, servicing, maintaining, repairing, replacing, or monitoring alarms systems in the Town of Thunderbolt.
- c) *Alarm system* means an assembly of equipment and devices arranged to signal the presence of a hazard to which the Town of Thunderbolt Police Department or Town of Thunderbolt Fire Department is expected to respond.
- d) *Alarm system coordinator* refers to the public safety director or fire chief or their designees.
- e) *False alarm* means a bell, mechanical, electrical, or telephone apparatus, or combination thereof which is activated or the purpose of summoning the Thunderbolt Police Department or Thunderbolt Fire Department to respond to a hold-up, break-in, burglary, unauthorized entry, destruction of property, fire, or other event to which police or fire personnel response are expected to respond when no evidence of such hazards are found and the responding service is not needed. Exceptions will be made for alarms activated during system repairs or maintenance, provided there is prior notification. Exceptions will also be made for false alarms occurring during tornadoes or hurricanes and during widespread power outages exceeding three hours in duration. Such exceptions will not be counted as false alarms.
- f) Reserved for future use.

2. *Reserved.*

3. *Alarm system service fees/monitoring.*

- A. *Fees established.* The following service fees are hereby established to discourage excessive false alarms at any single location, enhance the safety of officers of the Town of Thunderbolt Police and Fire Departments, protect the lives and property of the officers of Thunderbolt, reduce unnecessary use of public safety resources, and produce revenues to defray a portion of the costs of responses to false alarms.
- B. *False alarm fees for alarm customer of an alarm system business.* Excessive false alarms for alarm customers are considered to be any number in excess of three false alarms during a calendar year. Upon the fourth false alarm, the alarm user will be assessed and billed a fee as set forth on a fee schedule maintained by the public safety director and the town administrator's office for the excessive false alarms.
- C. *Notices, billing and payment of fees.* A notice will be sent to the alarm user advising of each occurrence of a false alarm after the second and subsequent false alarm in any calendar year. The alarm user will be fined for each additional false alarm after the third false alarm in that calendar

## Thunderbolt, Georgia -- Code of Ordinances – False Alarm Ordinance

year per the schedule attached to the notice. A notice and invoice will be mailed to the alarm user for each false alarm occurring after the third false alarm in any calendar year. Payment shall be due to the town within 30 days of the invoice date.

All fees for excessive false alarms shall also be billed to the property owner if the property is not occupied by the owner. If the person responsible for the false alarm has not paid the fee within 60 days of the date of the invoice from the town, the owner will be responsible for payment of any unpaid false alarm fees. Any owner of the property that becomes responsible for payment of the false alarm fee shall make payment within 90 days of the first billing sent to the responsible person for the false alarm fee.

Notwithstanding any other provisions of this chapter, all fees for false alarm responses caused by failure of an alarm system business to notify the police or fire department in advance of performing maintenance to an alarm system will be billed to the alarm system business. All such false alarms will be billed as set forth on a fee schedule maintained by the public safety director's and the town administrator's office. Any fees for false alarms pursuant to this paragraph shall be billed to the alarm system business on a monthly basis.

- a. Excessive false alarms deemed to be a nuisance. False alarms in excess of ten in a billing cycle will be deemed a nuisance and shall subject the offender to penalties as provided by other applicable ordinances of the Town of Thunderbolt.
- b. *Monitoring.* The fire and police departments are responsible for monitoring and documenting false alarm incidents. A listing of alarm companies with excessive false alarms, locations with excessive false alarms, and the number of excessive false alarms will be maintained by the alarm systems coordinator.
- c. The police chief may at his discretion identify those critical or high risk locations that are not subject to automatic suspension for false alarms when such suspension would be detrimental to the safety of the public.

**Editor's note**— Formerly Code § 5-206.