



Board of Commissioners

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Swain County

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County Manager

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August 10, 2015

To whom it may concern,

On behalf of the Swain County Board of Commissioners, I have attached a copy of the Swain County Ordinance to Regulate False Alarms that was approved June 11, 2015. The Board wanted to take this opportunity to pass along information as a reminder to check your security alarm and make sure they're working properly. The Swain County Sheriff's Department has limited law enforcement resources and is burdened with excessive false alarms.

This Ordinance shall be effective September 1, 2015. Please review attached ordinance and if you should have any questions, please feel free to contact me at 828-488-9273.

Sincerely,

Kevin S. King,
County Manager

Swain County Ordinance to Regulate False Alarms

WHEREAS, Swain County finds that excessive false alarms unduly burden the Swain County Sheriff's Department's limited law enforcement resources.

WHEREAS, it is in the interest of promoting the general welfare and safety of the people of Swain County to effectively utilize the law enforcement resources in the areas needed and not responding to false alarms; and

WHEREAS, the purpose of this ordinance is to establish reasonable expectations of alarm users and to ensure that alarm users are held responsible for their use of alarm systems.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners for the County of Swain as follows:

A. **Definitions** - For the purposes of this Ordinance, the following definitions shall apply:

1. **Alarm Signal.** A detectable signal either audible or visual generated by an Alarm System to which the user intends for the Swain County Sheriff's Office to respond.

2. **Alarm System.** Any signal device or assembly of equipment designed to signal the occurrence of an illegal entry or other activity requiring immediate attention and to which the Alarm User expects the Swain County Sheriff's Office to respond regardless of whether the call for response comes from a monitoring service, the Alarm User, a neighbor or results from an officer hearing the Alarm System. *Excluded from this definition are alarms installed in motor vehicles or fire or smoke alarms.*

3. **Alarm User.** A person, corporation, partnership, proprietorship, association, 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.

4. **False Alarm.** The activation of an Alarm System through mechanical or electronic failure, malfunction, improper installation or maintenance, or actions of the Alarm User, his/her employees or agents. This term also includes the intentional activation of an Alarm System to summon Law Enforcement personnel in non-emergency situations unless Law Enforcement personnel were

cancelled by the Alarm User, or his agent, before Law Enforcement arrived at the alarm location. *Excluded from the above definition are: alarms activated by unusually violent conditions of nature as determined by the Sheriff; activation by other extraordinary circumstances not reasonably subject to control by the Alarm User; and alarms activated during Alarm System testing procedures, if the Alarm User contacts their alarm company and informs the company when a test is being conducted.* An alarm is presumed as a False Alarm when evidence indicates that no unauthorized intrusion, robbery, or other such crime was committed, or attempted, in or on the premises, which would have activated a properly functioning Alarm System.

5. **Sheriff or Sheriff's Office.** The Sheriff shall mean the Sheriff of Swain County, North Carolina and Sheriff's Office shall mean his personnel and employees of the Swain County Sheriff's Office.

B. False Alarms

1. **Response:** Whenever the Sheriff and/or Sheriff's Office personnel respond to an alarm signal, the responding officer(s) shall inspect the premises and determine whether the alarm signal was a False Alarm.

2. **Notification:**

- a). In the case of a False Alarm, the Sheriff's Office officer assigned to the location of the alarm will leave written notification of the false alarm at or attached to the Alarm System premises.

- b). In addition to leaving written notification at the residence, the Swain County Sheriff's Office will make a reasonable effort to locate an additional mailing address and send notification to that address as well.

- c). Within that notification, the person(s) notified will be advised that after the first False Alarm they will be given ten (10) days to repair the faulty alarm.

3. **Appeal of False Alarm Determination and Fees:** Appeal may be requested by written notification to the County Manager by the Alarm User. This must be completed within ten (10) days of a response to a false alarm notification. The County Manager and two County Commissioners will review the basis of the officer's determination that an alarm was false. The written request for review of a false alarm shall include the following information:

- a). Alarm User name;
- b). Additional telephone numbers person can be reached at;

- c). When the alarm was installed;
- d). Date and time of the false alarm that is being contested;
- e). Facts to establish that the alarm was not false.

4. **Penalties:** For False Alarm Responses during a one year period from the date of the first false alarm as determined by the Sheriff, the penalties shall be as follows:

- | | | |
|-----|------------------------------|---------------|
| a). | First False Alarm | Free |
| b). | Second False Alarm | \$50.00 |
| c). | Third False Alarm | \$100.00 |
| d). | Fourth and more False Alarms | \$150.00 each |

Each penalty shall be paid within thirty (30) days of notification from the Swain County Sheriff and/or Sheriff's Office as set out in such notification.

5. **Enforcement:** In the event the penalty/ies set out in the notification referenced in the preceding paragraph is not paid when due, it may be recovered in a civil action in the nature of debt pursuant to N.C.Gen.Stat. §153A-123 and any other applicable law, including the collection of attorney fees and costs incurred by Swain County, the Swain County Sheriff, and/or Swain County Sheriff's Department.

6. **Adoption:** That this resolution shall be effective September 1, 2015.

This the 11 day of June, 2015.

BOARD OF COMMISSIONERS FOR THE COUNTY OF SWAIN

Philip B. Carson Sr
BY: Philip Carson, Chairman

ATTEST:

Cindi C Woodard
Cindi Woodard, Clerk to the Board