

## ARTICLE IV: SECURITY ALARM SYSTEMS

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### § 11-41 PURPOSE AND FINDINGS.

(a) The Greenville County Council is enacting this article to encourage security alarm users and alarm system monitoring companies to maintain the operational reliability and proper use of security alarm systems in order to reduce unnecessary sheriff's office responses to false alarms. The council finds that false alarms are not only a public nuisance but also a threat to public safety by diverting limited sheriff's office resources from legitimate requests for assistance and other law enforcement matters.

(b) The council intends this article to provide for the health, safety and welfare of the general public and not to protect particular individuals or to otherwise designate a particular group of persons who should be especially affected by the terms of the article. The article imposes or creates no duties on the part of the county or its departments and employees, and the obligation of complying with the requirements of the article, and any liability for failure to do so is placed upon the parties responsible for owning, operating, monitoring or maintaining security alarm systems.

(c) The council is authorized to enact this article pursuant to S.C. Code, § 4-9-25 setting forth the general police powers, as stated under state law. The council does not intend this article to conflict with any state laws that may govern the licensing of alarm system monitoring companies.

(1976 Code, § 11-41) (Ord. 3354, § 1, passed 4-18-2000)

### § 11-42 DEFINITIONS.

For the purposes of this article, the following words have the meanings respectively ascribed to them in this section, except where the context clearly indicates a different meaning:

*Alarm system monitoring company* means any individual, partnership, corporation or other form of association that engages in the business of monitoring security alarm systems and reporting any activation of such alarm systems to the sheriff's office.

*Alarm user* means any individual, partnership, corporation or other form of association that owns or leases a security alarm system or on whose premises a security alarm system is maintained for the protection of the premises.

*Automatic dialing telephone alarm* means a security alarm system with a device that automatically dials the sheriff's office emergency assistance telephone lines without human activation of the device by the alarm user.

*Dispatch or response* means a discretionary decision whether to direct the sheriff's office units to a location where there has been a request, made by whatever means, for sheriff's assistance or investigation. There is no duty to dispatch under any circumstances, including to answer an alarm signal, and all dispatch decisions are made subject to competing priorities and available sheriff's office resources.

*False alarm* means an alarm signal eliciting notification to and a response by the sheriff's office when there is no evidence

of a crime or other activity that warrants a call for immediate sheriff's office assistance and no person who was on or near the property or has viewed a video communication from the property called for the sheriff's office dispatch or confirmed the need for sheriff's office 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.

*Security alarm system* means any system, device, or mechanism for the detection and reporting of any unauthorized entry or attempted entry or property damage upon premises protected by the system that may be activated by sensors or other techniques and, when activated, automatically transmits a telephone message or emits an audible, visible, or electronic signal that can be heard, seen, or received by persons outside of the protected premises and is intended to summon sheriff's office assistance.

*Sheriff* means the sheriff of the county of and the sheriff's designee.

*Sheriff's office* means the law enforcement agency of the county and includes office staff and law enforcement officers.

(1976 Code, § 11-42) (Ord. 3354, § 1, passed 4-18-2000)

#### **§ 11-43 AUDIBLE ALARM STANDARDS.**

A security alarm system that emits an audible signal that may be heard outside of the protected premises shall conform to the following requirements:

(1) Audible alarms shall automatically discontinue emitting the audible sound within 10 minutes after activation off the alarm; and

(2) With respect to security alarm systems in existence prior to the enactment of this article that do not comply with subsection (1) above, the alarm user shall have 90 days from the enactment of the article in which to make the necessary modifications to the alarm system in order to comply with the requirement.

(1976 Code, § 11-43) (Ord. 3354, § 1, passed 4-18-2000)

#### **§ 11-44 VIOLATION OF AUDIBLE ALARM STANDARD.**

(a) The sounding of an audible signal from a security alarm system that can be heard continuously off the premises for more than 10 minutes is a civil infraction and the alarm user, in addition to any other penalties specified herein, shall be penalized by a fine of \$50 for each offense.

(b) It is a defense to a violation of this section that the continuous sounding of the alarm:

(1) Assisted in saving a life or avoiding injury; or

(2) Was caused by a malfunction of the alarm system equipment without the alarm user's prior knowledge of the cause of the malfunction; or

(3) Was activated by an unauthorized entry or criminal activity.

(1976 Code, § 11-44) (Ord. 3354, § 1, passed 4-18-2000)

#### **§ 11-45 AUTOMATIC DIALING TELEPHONE SYSTEMS PROHIBITED.**

Beginning 90 days after the effective date of this article, it shall be unlawful for any individual, partnership, corporation or other form of association to sell, offer for sale, install, maintain, operate or assist in the operation of any alarm system with an automatic dialing or digital alarm communicator feature that automatically calls the sheriff's office in the event of an alarm.

(1976 Code, § 11-45) (Ord. 3354, § 1, passed 4-18-2000)

#### **§ 11-46 ALARM USERS AND ALARM USER PERMITS.**

(a) An alarm user shall:

(1) Maintain the premises and security alarm system in a manner that will minimize or eliminate false alarms;

(2) Review all alarm system operating instructions, including those for verification of an alarm;

(3) Notify the alarm system monitoring company of a false alarm activation as soon as the user is aware of the false alarm; and

(4) Not manually activate an alarm except when needing an immediate sheriff's office response to an emergency.

(5) Obtain all required permits under county ordinance.

(b) In order to ensure that alarm system users have necessary information properly documented and that violations can be accurately billed and proper notification sent out, all alarm users shall be required to obtain an alarm user permit from the sheriff's office. The alarm user permit shall be effective so long as the permittee remains at the address that is the subject of the permit. The cost of the alarm user permit shall be \$10.

(c) In the event that an alarm user changes addresses, the information on the alarm user permit must be updated within 30 days. After 30 days no response will be afforded to alarm users that have failed to comply with the permit update requirements of this section.

(1976 Code, § 11-46) (Ord. 3354, § 1, passed 4-18-2000)

#### **§ 11-47 ALARM SYSTEM MONITORING COMPANIES.**

An alarm system monitoring company engaging in business activities in the county shall:

- (1) Obtain all necessary permits as required by the county and licenses by the State of South Carolina;
- (2) Maintain a current record, accessible to the sheriff's office at all times, that includes: the names of the alarm users serviced by the company; the addresses of the protected properties; the type of alarm system, original installation date and subsequent modifications, if any, for each protected property; and a record of the false alarms at each property;
- (3) Provide the sheriff's office such information as the sheriff requests regarding: the nature of the company's security alarms; the company's method of monitoring the alarms; the company's program for preventing false alarms, including educational programs for alarm users; and the company's method for disconnecting audible alarms;
- (4) Provide each of its alarm system users with: operating instructions for the alarm system, including an explanation of the alarm company's alarm verification process; a telephone number to call for assistance in operating the system; and a summary of the provisions of this article relating to penalties for false alarms and the possibility of no sheriff's office response to alarm systems experiencing excessive false alarms;
- (5) Maintain a verification process, as specified in §11-48, for all monitored security alarm systems in order to prevent unnecessary sheriff's office dispatches resulting from false alarms;
- (6) Communicate requests for sheriff's office response to the sheriff's office in a manner specified by the sheriff;
- (7) Communicate requests for cancellations of sheriff's office response in a manner specified by the sheriff;
- (8) Maintain a record of all requests for sheriff's office response to an alarm, including: the date and time of the alarm and request for sheriff's office response; the alarm system user's name and address; evidence of the company's attempt to verify the alarm; and, to the best of its knowledge, an explanation of the cause of any false alarm; and
- (9) Work cooperatively with the alarm system user and the sheriff in order to determine the cause of any false alarm and to prevent recurrences.

(1976 Code, § 11-47) (Ord. 3354, § 1, passed 4-18-2000)

#### **§ 11-48 SECURITY ALARM VERIFICATION PROCESS.**

A verification process is an independent method of an alarm system monitoring company for determining that a signal from a security alarm system requires immediate sheriff's office response. The verification process shall not take more than 5 minutes, calculated from the time that the alarm company receives the alarm signal until the alarm company determines whether to request a sheriff's office dispatch. The means of verification shall include at least 1 of the following:

- (1) Attempt to verify, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Telephone verification shall require, at a minimum, that a second call also known as Enhanced Call Verification, be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to determine whether an alarm signal is valid;
- (2) A feature that permits the alarm user or a person authorized by the user to send a special signal to the alarm company that will cancel the alarm immediately after the signal has been sent and prevent the alarm company from calling the sheriff's office;
- (3) The installation of a video system that provides the alarm company when the alarm signal is received with the ability to ascertain whether activity is occurring that warrants immediate sheriff's office response;
- (4) A confirmation that an alarm signal reflects a need for immediate sheriff's office response from either the alarm user or a person authorized by the user or an alternate response agency made before dispatching the sheriff's office; or
- (5) An alternate system that the sheriff determines has or is likely to have a high degree of reliability.

(1976 Code, § 11-48) (Ord. 3354, § 1, passed 4-18-2000; Ord. 4888, § 1, passed 3-21-17)

#### **§ 11-49 UNLAWFUL ACTIVATION OR REPORT OF ALARM.**

(a) No person shall activate a security alarm system for the purpose of summoning the sheriff's office except in the event of an unauthorized entry, robbery, or other crime being committed or attempted on the premises, or if the person needs immediate assistance in order to avoid injury or serious bodily harm.

(b) Any person who shall notify the sheriff's office of an activated alarm and have knowledge that such activation was apparently caused by an electrical or other malfunction shall at the same time notify the sheriff's office of the apparent malfunction.

(c) Violations of this section are subject to fine as established in §11-54(b).

(1976 Code, § 11-49) (Ord. 3354, § 1, passed 4-18-2000)

#### **§ 11-50 DETERMINATION OF FALSE ALARM; REBUTTABLE PRESUMPTION.**

For the purposes of this article, there is a rebuttable presumption that the following determinations made by the sheriff or by a sheriff's deputy dispatched to the premises reporting an alarm signal are correct:

(1) There is no evidence of a crime or other activity that would warrant a call for immediate sheriff's office assistance at the premises;

(2) No individual who was on or near the premises or who has viewed a video communication from the premises called for a sheriff's office dispatch or verified a need for an immediate sheriff's office response; and

(3) There is no evidence that violent conditions of nature or other extraordinary circumstances beyond the control of the alarm user caused the activation of the alarm.

(1976 Code, § 11-50) (Ord. 3354, § 1, passed 4-18-2000)

#### **§ 11-51 PENALTY FOR FALSE ALARM.**

(a) Every establishment in the unincorporated area of Greenville County having a security alarm system shall be entitled to report 2 false alarms to which the sheriff's office will respond without charge in each calendar year. After 2 false alarms within a calendar year, all additional false alarms during the calendar year shall be considered a violation of this article and shall be deemed a civil infraction and the alarm system user shall be subject to the following fines:

(1) Three to five false alarms per calendar year shall be punishable by a fine of \$50 per occurrence;

(2) Six and seven false alarms per calendar year shall be punishable by a fine of \$100 per occurrence;

(3) Eight and nine false alarms per calendar year shall be punishable by a fine of \$250 per occurrence; and

(4) Ten or more false alarms per calendar year shall be punishable by a fine of \$500 per occurrence.

(b) A 30-day grace period should be afforded to new alarm system users after the installation of a new system and not be subject to subsection (a). Proper documentation, however, must be provided in order to have the fine waived.

(1976 Code, § 11-51) (Ord. 3354, § 1, passed 4-18-2000; Ord. 4888, § 2, passed 3-21-2017)

#### **§ 11-52 APPEAL OF FALSE ALARM FINE.**

(a) The sheriff or his designee may waive the penalty incurred by an alarm system user for a false alarm and clear the notice of violation as a warning.

(b) An alarm system user may appeal the penalty incurred for a false alarm to the magistrate, who may waive the penalty and clear the notice of the violation as a warning.

(1) The notice to the alarm user describes a violation of §11-51; and

(2) Within 15 days after the date of the notice of a false alarm, the alarm user either follows the instructions on the back of the notice of violation to arrange an appearance in court or mails a written response to the court requesting a waiver and clearance as a warning.

(c) In any appeal of a false alarm penalty, the alarm user may present evidence before the sheriff, magistrate, or in the written response to the court that shows: the steps that the alarm user or alarm system monitoring company has taken, or is taking, to correct the false alarm problem; the incidence of crime in the area of the property; the facts and circumstances of the false alarm; and other relevant information.

(1976 Code, § 11-52) (Ord. 3354, § 1, passed 4-18-2000)

#### **§ 11-53 NO-RESPONSE TO FREQUENT FALSE ALARMS; APPEAL OF NO-RESPONSE DETERMINATION.**

(a) When the sheriff's office determines whether to make an immediate dispatch in response to notification of a signal from a security alarm system, the sheriff may disregard a call for sheriff's office assistance when:

(1) The call for assistance comes from an alarm system for a premises that has a record of sending 4 false alarms in a 6-month period; and

(2) The call is the only basis for making the dispatch.

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

(c) To discourage false alarms, the sheriff 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 4 false alarms in a 6-month period shall result in the sheriff's office disregarding alarms from the premises and not responding to requests for immediate sheriff's office 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 sheriff's office response.

(1976 Code, § 11-53) (Ord. 3354, § 1, passed 4-18-2000)

#### **§ 11-54 VIOLATION – CIVIL PENALTIES.**

(a) An alarm system monitoring company's failure to comply with any of the requirements of this article shall be a civil infraction, punishable by a fine of up to \$250. Each day of noncompliance shall constitute a separate offense.

(b) The violations of the other sections of this article shall be a civil infraction and punishable by a fine of up to \$50, unless otherwise specified.

(c) There shall be a maximum penalty of \$50 for any of the following:

- (1) Failure to respond to a false alarm notice within 15 days of receipt of the notice;
- (2) Failure to appear for a hearing requested pursuant to this article; and
- (3) Failure to pay any fine imposed pursuant to this article.

(d) Any fines imposed under this section are appealable to the magistrate.

(1976 Code, § 11-54) (Ord. 3354, § 1, passed 4-18-2000)

#### **§ 11-55 DIRECTION OF FINES.**

All fines collected pursuant to the provisions of this article shall be directed to fund the costs associated with enforcement, monitoring, and any false alarm prevention programs, as established by the sheriff's office.

(1976 Code, § 11-55) (Ord. 3354, § 1, passed 4-18-2000)

#### **§ 11-56 SEVERABILITY.**

Severability is intended throughout and within the provisions of this article. If any section, subsection, sentence, clause, phrase or portion of this article is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this article.

(1976 Code, § 11-56) (Ord. 3354, § 1, passed 4-18-2000)