

REQUEST FOR CITY COUNCIL CONSIDERATION

Meeting Date: February 19, 2024

Agenda Item: 6C	Prepared for: Mike Mahaney, City Manager
Agenda Section: Unfinished Business: Ordinance. Second Reading	Date: January 10, 2024
Subject: Amendment to Chapter 12, Health and Sanitation, of the Code of Ordinances for North Myrtle Beach, South Carolina regarding false alarms	Division: Legal

Background:

Each year, false business and residential alarms account for about 2500 service calls for the Police Department. In an effort to reduce the amount of repeated false alarms the Police Department responds to in a year, Article IX, False Alarms has been proposed to be added to the Code of Ordinances.

Article IX, False Alarms, will contain definitions, duties of an alarm user, false alarm procedures, and evidence of repair or other appropriate actions accepted in lieu of a citation or fee.

Recommended Action:

Approve or deny the proposed ordinance on second reading

Reviewed by Department Head	Reviewed by City Manager	Reviewed by City Attorney
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Council Action:
Motion By _____ 2nd By _____ To _____

**AN ORDINANCE OF THE CITY OF NORTH MYRTLE BEACH PROVIDING
THAT THE CODE OF ORDINANCES, CITY OF NORTH MYRTLE BEACH,
SOUTH CAROLINA, BE AMENDED BY REVISING CHAPTER 12, HEALTH AND
SANITATION, ADDING ARTICLE IX, FALSE ALARMS, OF SAID CODE.**

**BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE
CITY OF NORTH MYRTLE BEACH, SOUTH CAROLINA, IN COUNCIL
DULY ASSEMBLES, THAT:**

ARTICLE IX. – FALSE ALARMS, be added to read as follows (new matter underlined, deleted matter struck-through):

Section 12-115. – Definitions.

(1) *False alarm* means the activation of a burglar, robbery, or other similar alarm system through inadvertence, electrical or mechanical failure, malfunction, improper installation, improper maintenance, or the negligence of the owner, lessee, or anyone otherwise in control of the system, or of his/her employees or agents, resulting in a response by North Myrtle Beach Police personnel. This does not include alarms caused by unusually violent conditions of nature, other extraordinary circumstances beyond the control of the alarm user, or by unauthorized tampering with an alarm system by anyone other than the alarm user or his agent(s), the absence of evidence of which will be found to create an inference or presumption of fault and responsibility on the part of the owner, lessee, or anyone otherwise in control of the system, or of his/her employees or agents. An alarm is false when, upon determination of the responding police officer, there is no evidence of the existence of the condition or activity the alarm was designed to detect when the alarm activated, and no evidence of violent conditions or other extraordinary circumstances as noted above.

(2) *Alarm system* means any single device or assembly of equipment and devices, mechanical or electrical, designed for the detection of unauthorized entry on or into any premises, or for alerting others of the commission of an unlawful act, and when activated causes an audible and/or visual signal and/or transmits a signal or message to which police personnel are expected to respond or which would imply to a reasonable person that police personnel are needed at the alarm source to address a potential public safety concern.

(3) *Alarm user* means a person, firm, partnership, company, association, corporation, other legal entity, or owner, tenant, lessee, or occupant, or their agent(s) owning, leasing, operating, or in any manner in control of or responsible for an alarm system, or who is/are in any manner in control of or responsible for any building, structure or facility where an alarm system is present.

(4) *Response* means the dispatch of police personnel to the premises where an alarm system has been activated.

(5) *Year* means a twelve-month (three hundred sixty-five-day) period.

Section 12-116. – Duties of an alarm user.

(1) To ensure the proper installation and functioning of alarms and alarm systems;

(2) To maintain the premises and the alarm system in a manner that will reduce or eliminate false alarms;

(3) To respond or cause a representative or other responsible party to respond to the alarm system's location within thirty (30) minutes upon notification from police officers of the need to deactivate a malfunctioning alarm system; and

(4) To ensure that an alarm is not manually activated by the alarm user or any other person for any reason other than an occurrence of an event that the alarm system was intended to report.

Section 12-117. – False alarm procedure.

(1) Whenever North Myrtle Beach Police respond to an activated alarm system, the official in charge of the incident shall determine if the response was caused by a false alarm and shall indicate that fact upon the incident report or documented in the Computer Aided Dispatch (CAD) notes.

(2) The North Myrtle Beach Police Department shall regularly review incident reports to monitor the accumulation of false alarms at any one location. When two (2) false alarms have occurred at the same location within one (1) year, representatives of the North Myrtle Beach Police Department shall notify the alarm user by letter, citing the location and date of each false alarm. The letter shall recommend that appropriate action be taken on the part of the alarm user to alleviate the causes of false alarms and shall include a statement that an accumulation of more than two (2) false alarms within a year shall result in violation of this Section.

(3) Three (3) false alarms occurring at one (1) location within a year, or violation of any other provision of this section, constitutes a civil offense/infraction fine of up to two hundred dollars (\$200.00) as authorized in Section 1-6, General Penalty. Each additional false alarm within that year shall constitute a separate infraction. However, no alarm user shall be charged with accumulating more than one (1) false alarm in any twenty-four-hour period. Unpaid fees may be collected in the same manner as any civil judgment.

Section 12-118. – Evidence of repair or other appropriate actions accepted in lieu of citation or fee.

(1) An alarm user may submit, within ten (10) days of the date of notification of an infraction, evidence that a malfunctioning system has been repaired, or that appropriate and sufficient steps have been taken otherwise to eliminate the incidents of false alarms, e.g., evidence such as a receipt from a licensed alarm business with a statement of repairs made to the system, or other measures taken to effectively address the occurrence of false alarms. If such evidence is satisfactory to the city, the city may take action in accordance with Section 1-6 of this Code or request that the Court dismiss a citations issued hereunder.

DONE, RATIFIED AND PASSED, THIS _____ DAY OF _____, 2024.

ATTEST:

Mayor Marilyn Hatley

City Clerk

APPROVED AS TO FORM:

City Attorney

FIRST READING: 1.8.2024

SECOND READING: 2.19.2024

REVIEWED:

City Manager

ORDINANCE: 24-05