

ORDINANCE NO.: 2023-068

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 10, Law Enforcement, Article I, False Security Alarms

BE IT ORDAINED by the Mayor and Council this _____ day of _____, 2023, that the 1998 Code of Ordinances of The City of Columbia, South Carolina, Chapter 10, Law Enforcement, Article I, False Security Alarms is amended to read as follows:

Sec. 10-1. 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:

False alarm means the activation of an alarm system when, upon inspection by the police department, there is no evidence of unauthorized entry, robbery, or other such crime was committed or attempted in or on the premises which would have activated a properly functioning alarm. Notwithstanding the foregoing, a false alarm does not include an alarm which can reasonably be determined to have been caused or activated by unusually violent conditions of nature. In addition, an alarm activated during an alarm system testing procedure shall not be considered a false alarm if the security alarm user notifies and receives permission from the user's alarm company, or designee, to test the system.

Security alarm system means any assembly of equipment, mechanical or electrical, installed by a security alarm business, arranged to signal the occurrence of a criminal act, emergency, or other condition to which the Columbia Police Department may be expected to respond.

Security alarm user means a person who is in control of any building, structure or facility where a security alarm system is present.

Year means a 12-month period beginning with July 1 and ending on June 30 of each year.

Sec. 10-2. False alarm procedure and user fee.

- (a) Whenever Columbia Police Department personnel respond to an activated security alarm system, the Columbia Police Department 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.~~ to dispatch.
- (b) ~~The Columbia Police Department~~ The dispatch notes shall ~~be~~ regularly reviewed ~~ed~~ incident reports to monitor the accumulation of false alarms at any one location. When two false alarms have occurred at the same location within one year, and the location is within the incorporated area of the city, the security alarm user ~~Columbia Police Department~~ shall ~~be notify~~ notified by and through the security 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 security alarm user to alleviate the causes of false alarms and shall include a statement that an accumulation of any further false alarms within a year shall result in a charge for services and/or the Columbia Police Department discontinuing responding to that location unless dispatched as a result of an emergency call to 911.
- (c) ~~Upon a third false alarm occurring at one location within a year, a user fee of \$25.00 for service for false alarm response shall be billed to the property owner. Each additional false alarm within the year shall require the billing of an additional fee of \$100.00. However, no security alarm user shall be charged with accumulating more than one false alarm in any 24-hour period. The fee established by this section affords only partial recovery of the expenses incurred in responding to the false alarm. If payment of the fee, in full, has not been received within 30 days of billing, the fee shall increase to \$300.00.~~ It is hereby found and determined that three or more false alarms within a year shall be deemed excessive. Excessive false alarms shall be assessed a user fee as follows:

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<u>Third through seventh false alarm</u>	<u>\$100.00</u>
<u>Eighth and ninth false alarm</u>	<u>\$250.00</u>
<u>Tenth or more false alarm</u>	<u>\$500.00</u>

However, no security alarm user shall be charged with accumulating more than one false alarm in any 24-hour period. The fee established by this section affords only partial recovery of the expenses incurred in responding to the false alarm. If payment of the fee, in full, has not been received within 30 days of billing, a late fee penalty of 15% of the user fee shall be assessed.

~~If more than five false alarms occur at one location within a year, the Columbia Police Department will not respond to that location unless dispatched as a result of an emergency call to 911.~~

Sec. 10-3. Evidence of repair accepted in lieu of fee.

An alarm user may submit evidence that a malfunctioning system has been repaired in lieu of paying a user fee within ten days of the date of notification of the fee. Evidence such as a receipt from a licensed alarm business with a statement of repairs made to the system is acceptable. For a repeated problem with a system after a repair is alleged to have been made, the city manager or his/her designee may decide not to accept an alternative to paying the fee.

Sec. 10-4. Appeals.

Any person may appeal the imposition of a false alarm user fee to the city manager or his/her designee. Such appeal shall be in writing and shall be made to the city manager within ten days of the date of notification of the fee. The failure to give notice of appeal within this time period shall constitute a waiver of the right to contest the user fee assessment or other enforcement decisions.

Sec. 10-5. Appeal Standard.

The city manager or his/her designee shall review an appeal of the assessment of the user fee, late penalty, or other enforcement decisions using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment of the fee or other enforcement decisions, the city manager or his/her designee shall have the discretion to dismiss or reduce the user fee, waive the late penalty, or reverse any other enforcement decisions where warranted.

Secs. 10-5~~6~~—10-30. Reserved.

This ordinance is effective as of July 1, 2023.

Requested by:

Chief Holbrook _____

Approved by:

City Manager

Approved as to form:

Deputy City Attorney

Introduced: 6/6/2023
Final Reading: 6/20/2023

Mayor

ATTEST:

City Clerk

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