

COUNTY OF HORRY )  
 )  
STATE OF SOUTH CAROLINA )

**ORDINANCE 103-10**

**AN ORDINANCE PERTAINING TO THE REGULATION OF FALSE ALARMS IN THE UNINCORPORATED AREAS OF HORRY COUNTY.**

**WHEREAS**, response to false alarms places an undue burden on public safety, reduces the preparedness of Horry County public safety to respond to actual emergencies, and presents significant health, safety and welfare hazards to the citizens and guests of Horry County by diverting limited public safety resources from legitimate requests for such assistance. Those who utilize faulty alarm systems which repeatedly generate false alarms that necessitate public safety response are misusing available public safety resources; and

**WHEREAS**, it is the will of Horry County Council to provide a method of regulating the incidences of false alarms and provide penalties for chronic offenders, to encourage alarm users to maintain the operational reliability and proper use of alarm systems in order to reduce unnecessary public safety response to false alarms.

**NOW, THEREFORE**, by the power and authority granted to the Horry County Council by the Constitution of the State of South Carolina and the powers granted to the County by the General Assembly of the State, the following hereby is ordained and enacted:

1. Chapter 20, Article IX, Horry County Code of Ordinances, shall be amended by the addition of Section 20-452, as follows:

**Sec. 20-452. False Alarms.**

(a) Definitions.

(1) "False alarm" means the activation of a fire, 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 Horry County public safety 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). An alarm is false when, upon determination of the responding public safety official(s), 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 fire or 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 public safety personnel are expected to respond or which would imply to a reasonable person that public safety 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, or operating an alarm system, or who is/are in control of any building, structure or facility where an alarm system is present.

(4) "Response" means the dispatch of public safety personnel to the premises where an alarm system has been activated.

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

(b) 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 public safety officials 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.

(c) False alarm procedure.

(1) Whenever Horry County public safety personnel 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.

(2) Horry County Public Safety shall regularly review 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, Horry County Public Safety 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 location within a year, or violation of any other provision of this Section, constitutes an infraction as set forth in Sec. 1-8(b) of this Code, subjecting the alarm user to a fine of \$150.00. Each additional false alarm within the year shall constitute a separate infraction. However, no alarm user shall be charged with accumulating more than one false alarm in any 24-hour period.

(d) Evidence of repair accepted in lieu of fee.

An alarm user may submit, within ten days of the date of notification of an infraction, evidence that a malfunctioning system has been repaired in lieu of paying the infraction fine. Evidence such as a receipt from a licensed alarm business with a statement of repairs made to the system is acceptable. If satisfactory to the County, the fine may be waived. Only one such waiver may be granted within a year.

(e) Appeals.

Any person may appeal the imposition of a false alarm infraction fine to the County Administrator or his/her designee. Such appeal shall be in writing and shall be made to the County Administrator or his/her designee within ten (10) days of the date of notification of the fine.

(f) State law.

Any person who shall wilfully, maliciously or mischievously interfere with, cut or injure any pole, wire, insulator or alarm box, give a false alarm from such box or by use of a telephone or

break the glass in such box of any fire or police alarm system in this State or any of the appliances or apparatus connected therewith shall be guilty of a misdemeanor and, upon conviction, shall be sentenced to hard labor in the State Penitentiary or on the chain gang in a county having a chain gang for a term of not less than sixty days or the payment of a fine of not more than two hundred dollars. Section 16-17-570, Code of Laws of South Carolina.

Secs. 20-453—20-500. Reserved.

2. Chapter 13, Article 1, Sec. 13-8, of the Horry County Code of Ordinances, entitled "Making of false alarms prohibited; penalties", is hereby repealed in its entirety.

3. **SEVERABILITY.** If any Section, Subsection, or part of this Ordinance shall be deemed or found to conflict with a provision of South Carolina law, or other pre-emptive legal principle, then that Section, Sub-section or part of this Ordinance shall be deemed ineffective, but the remaining parts of this Ordinance shall remain in full force and effect.

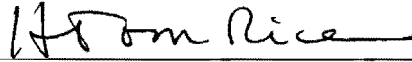
4. **CONFLICT WITH PRECEDING ORDINANCES.** If a Section, Sub-section or provision of this Ordinance shall conflict with the provisions of a Section, Sub-section or part of a preceding Ordinance of Horry County, unless expressly so providing, then the preceding Section, Sub-section or part shall be deemed repealed and no longer in effect.

5. **EFFECTIVE DATE.** This Ordinance shall become effective on Third Reading.

**AND IT IS SO ORDAINED, ENACTED AND ORDERED.**

Dated this 1<sup>st</sup> day of February, 2011.

**HORRY COUNTY COUNCIL**



H. Tom Rice, Chairman

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Harold G. Worley, District 1

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Brent J. Schulz, District 2

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Marion D. Foxworth, III, District 3

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Gary Loftus, District 4

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Paul D. Price, Jr., District 5

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Robert P. Grabowski, District 6

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James R. Frazier, District 7

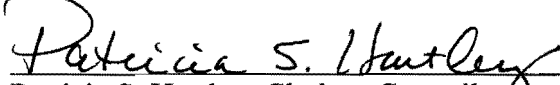
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Carl H. Schwartzkopf, District 8

\_\_\_\_\_  
W. Paul Prince, District 9

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Jody Prince, District 10

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Al Allen, District 11

Attest:

  
Patricia S. Hartley, Clerk to Council

First Reading:       December 14, 2010  
Second Reading:     January 18, 2011  
Third Reading:       February 1, 2011