

The Official Code of Cobb County, Georgia, is amended by adding Article II to Chapter 70, to read as follows:

Sec. 70-4 – 70-25. Reserved.

Article II. ALARM SYSTEMS

Sec. 70-26. Purpose and intent.

Given the undue burden placed on law enforcement providers by excessive false alarms, this article is enacted to establish reasonable expectations for alarm users regarding the responsible use and operation of alarm systems. The article is not intended to create new or to expand existing legal obligations of the county, including specifically the Cobb County Department of Public Safety Agency and any of its departments, or to establish a special duty or special relationship between the county and alarm users, persons who own real or personal property where an alarm system is in place, and/or persons who are physically present at or in the vicinity of property monitored by an alarm system.

Sec. 70-27. 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:

Alarm administrator. The term “alarm administrator” means a sworn employee designated by the county to administer, control and review false alarm reduction efforts and to administer the provisions of this ordinance.

Alarm contractor. The term “alarm contractor” means an individual, company, and/or other entity engaged in selling, leasing, installing, servicing or monitoring alarm systems; such individual, company, and/or entity shall be licensed in compliance with city, county and state laws.

Alarm permit. The term “alarm permit” means a permit issued by the county allowing the operation of an alarm system.

Alarm signal. The term “alarm signal” means a detectable signal, audible or visual, generated by an alarm system, to which law enforcement is requested to respond.

Alarm system. The term “alarm system” means any single device or assembly of equipment and devices, including a local alarm, that is designed to signal the occurrence of an illegal or unauthorized entry or other activity requiring immediate attention and to which law enforcement is requested to respond. Motor vehicle or boat

alarms, fire alarms, domestic violence alarms, or alarms designed to elicit a medical response are not considered to be alarm systems under this article.

Alarm user. The term “alarm user” means any individual, sole proprietorship, partnership, company, corporation, governmental, educational, non-profit, or any other entity or institution owning, leasing or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

Alarm User Awareness Class. The term “Alarm User Awareness Class” means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms.

Automatic dial protection device. The term “automatic dial protection device” means an automatic dialing device or an automatic telephone dialing alarm system and shall include any system which, upon being activated, automatically initiates to the Emergency Communications Center a recorded message or code signal indicating a need for law enforcement response.

Cancellation. The term “cancellation” means notice from an alarm contractor (designated by the alarm user) to the Emergency Communications Center to terminate a law enforcement response to an alarm dispatch request under circumstances where there is no situation at the alarm site requiring a law enforcement response.

Cobb County Department of Public Safety (CCDPS). The term “Cobb County Department of Public Safety (CCDPS)” means, for the purposes of this article only, the Cobb County Department of Public Safety Agency, with the exception of the Cobb County Fire & Emergency Services Department.

Emergency Communications Center. The term “Emergency Communications Center” means the Cobb County Department of Public Safety’s Emergency Communications (911) Center.

False alarm. The term “false alarm” means the activation of an alarm system to summon law enforcement personnel which occurs as a result of mechanical or electronic failure, malfunction, improper installation, or the negligence of the alarm user or his employees or agents, unless the law enforcement response was cancelled by the alarm user or his agent before law enforcement personnel arrive at the alarm location. An alarm is false when, upon determination by the responding officer, no unauthorized entry, robbery, or other crime was committed or attempted in or on the premises which would have activated a properly functioning alarm system.

Local alarm. The term “local alarm” means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and that is not monitored by a remote monitoring facility, whether installed by an alarm contractor or user.

Monitoring services. The term “monitoring services” means an alarm contractor in the business of receiving signals from an alarm system that is responsible to contact the alarm user to verify the nature of the alarm and/or to contact the Emergency Communication Center for a law enforcement response.

Permit year. The term “permit year” means a 12-month period beginning on the day and month on which an alarm permit is issued.

SIA Control Panel Standard CP-01. The term “SIA Control Panel Standard CP-01” means the American National Standard Institute (ANSI) approved Security Industry Association (SIA) CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce false alarms. Control panels built and tested to this standard by a nationally recognized testing organization are to be marked to state: “Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction.”

Verify. The term “verify” means an action on the part of the entity providing monitoring services, prior to requesting law enforcement dispatch, to determine whether an alarm signal is valid and caused by criminal activity.

Sec. 70-28. Alarm registrations & permit requirements.

(a) Registration & permit required. Effective October 1, 2008, no alarm system shall be used unless the alarm user first registers and obtains a permit for such alarm system from the county or its designee. For the purposes of complying with this section, an alarm contractor may register an alarm user and thereby obtain the permit for such alarm system; provided however, that the alarm user shall ultimately remain responsible for registration and obtaining a permit prior to use of the alarm system. Upon registration, each alarm permit shall be assigned a permit number. If the permit number is issued directly to the alarm user, the user shall provide the permit number to the alarm contractor to facilitate law enforcement dispatch.

(b) Non-transferability; new registration required. Alarm permits are not transferable. Upon transfer of the possession of premises at which an alarm system is maintained, the new alarm user shall register for an alarm permit within 30 days of obtaining possession of the property.

(c) Multiple alarm systems. If an alarm user has one or more alarm systems protecting two or more separate structures with different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant.

Sec. 70-29. Duties of the alarm user.

An alarm user shall be required to:

(a) Register and obtain an alarm permit in accordance with Sec. 70-28;

- (b) Maintain the premises and the alarm system in a manner that will reduce or eliminate false alarms;
- (c) Upon obtaining a permit number, provide that number to the alarm contractor;
- (d) Respond or cause a representative or other responsible party to respond to the alarm system's location within thirty (30) minutes upon notification from the Emergency Communications Center of the need to deactivate a malfunctioning alarm system;
- (e) 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;
- (f) Obtain a new permit if there is a change in address or ownership of a business or residence.

Sec. 70-30. Duties of the alarm contractor.

- (a) An alarm contractor shall be required to:
 - 1) Obtain and maintain required state and local license(s) and/or permits;
 - 2) Maintain current contact information, including user permit numbers, which shall be provided to the Emergency Communications Center at the time of a request for law enforcement response; and
 - 3) Upon request, provide to the Emergency Communications Center the name, address, and telephone number of the license holder or a designee, who can be called in an emergency, 24 hours a day and who shall be able to respond to an alarm call, when notified, within thirty (30) minutes.

(b) For all installations on or after January 1, 2009, an alarm contractor shall use only alarm control panel(s) which meets SIA Control Panel Standard CP-01.

(c) Prior to activation of any alarm system, the alarm contractor must (i) provide verbal and written instructions regarding the proper operation of the alarm system to the alarm user and (ii) provide written information on how to obtain service from the alarm contractor.

- (d) An alarm contractor performing monitoring services shall:
 - 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, if the first attempt fails to reach an alarm user, the alarm contractor must make a second call to a different number in an effort to reach an alarm user who can provide proper identification and assist in determining whether an alarm signal is valid; provided however, that such second call shall not be required in the event of a panic or robbery-in-progress alarm or in cases where a crime-in-progress has been verified by video and/or audible means.
 - 2) Communicate any specific information that will assist law enforcement response and investigation to the Emergency Communications Center at the time of a request for assistance.
 - 3) Communicate a cancellation to the Emergency Communications Center immediately upon determining that a response is unnecessary.

Sec. 70-31. Prohibited acts.

Effective January 1, 2009, the following acts are prohibited:

- (a) The failure to obtain an alarm permit or to renew an alarm permit.
- (b) Activating or maintaining an alarm system that activates for the purpose of summoning law enforcement when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises. This shall include both monitored alarm systems and unmonitored local alarms.
- (c) Installing, maintaining, or using an audible alarm system which can sound continually for more than 10 minutes.
- (d) Installing, maintaining, or using an automatic dial protection device that reports, or causes to be reported, any recorded message to the Emergency Communications Center.

Sec. 70-32. Enforcement.

Effective January 1, 2009, enforcement for violations of this Article shall be carried out in accordance with this Section.

(a) Excessive false alarms/Failure to register. Alarm users shall be fined for excessive false alarms and/or failure to register during the permit year in accordance with the following civil fine schedule:

<u>First and second false alarm.....</u>	<u>No Charge</u>
<u>Third False Alarm</u>	<u>\$50.00</u>
<u>Fourth False Alarm</u>	<u>\$75.00</u>
<u>Fifth False Alarm</u>	<u>\$100.00</u>
<u>Sixth False Alarm</u>	<u>\$125.00</u>
<u>Seventh False Alarm</u>	<u>\$150.00</u>
<u>Eighth False Alarm</u>	<u>\$200.00</u>
<u>Ninth False Alarm</u>	<u>\$250.00</u>
<u>Tenth False Alarm</u>	<u>\$300.00</u>
<u>Failure to Register.....</u>	<u>\$100.00</u>

(b) Other Civil Fines. All other violations of Article II, Alarm Systems will be enforced through the assessment of civil fines in the amount of \$100.00.

(c) Payment of Civil Fines. All civil fines shall be paid within thirty (30) days from the date of the invoice.

(d) Limitations on Responses for Excessive False Alarms or Non-Payment. When an alarm user has more than ten (10) false alarms during the permit year or when the alarm user fails to pay any civil fine within thirty (30) days from the date of invoice, a law enforcement response to the alarm user's permitted location will only be initiated in response to a 911 call to the Emergency Communications Center or upon verification

by the alarm contractor or user that the alarm was set off as a result of criminal activity. Normal alarm responses by CCDPS will be restored under the following circumstances:

- (1) When an alarm user who has had more than ten (10) false alarms during the permit year presents satisfactory proof to the alarm administrator that he has taken successful measures to correct the cause of the false alarms, normal alarm responses will be restored at the outset of the following permit year; and/or
- (2) When the county receives payment from the alarm user who has failed to pay any civil fine within thirty (30) days from the date of the invoice.

(e) Civil violation. A violation of any of the provisions of this article shall be a civil violation.

Sec. 70-33. Alarm User Awareness Class.

The county may create and implement Alarm User Awareness Classes and may request the assistance of alarm contractors to assist in developing and implementing such classes. The classes shall inform alarm users of the problems created by false alarms and instruct alarm users how to help reduce false alarms. The county may grant the option of attending a class in lieu of paying one assessed fine.

Sec. 70-34. Appeals.

Assessment of any civil penalty and other enforcement decisions may be appealed in accordance with procedures that shall be established by the county.

Sec. 70-35. Confidentiality.

In the interest of public safety, all information contained in and gathered through the alarm registration applications, “no response” records, applications for appeals and any other alarm records shall be held in strict confidence by all employees and/or representatives of the county. Because all alarm registration information is considered sensitive public safety information, the same shall not be available to the public, unless otherwise required by law.

Sec. 70-36. Immunity.

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By registering an alarm system, the alarm user acknowledges that the CCDPS response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

Sec. 70-37. Interim Provisions.

Prior to January 1, 2009, the following provisions, formerly codified as Secs. 46-26, through 46-29, shall be continued in full force and effect. Such provisions shall cease to be effective for any violations occurring after December 31, 2008.

(a) Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Alarm system” means an assembly of equipment and devices designed and arranged to detect a fire or to signal an unauthorized intrusion into a premises or to signal an attempted robbery at a premises, and with respect to such signal public safety officers are expected to respond.

“False alarm” means the activation of a fire, burglary, robbery or other similar alarm by an event other than a fire, burglary, or robbery on the premises.

“Person” means the owner or lawful occupant of a residence, or any owner, partner, or manager of a business.

“Public safety officer” means a law enforcement officer.

“Response” means the dispatch of a public safety officer to the premises where an alarm system has been activated indicating that a burglary or robbery is in progress on the premises.

(b) Prohibited acts.

(1) It shall be unlawful for any person to activate an alarm system, otherwise cause an alarm system to be activated, or operate or maintain an alarm system which is activated at a time when no burglary or robbery is in progress at a premises, but public safety officers are nevertheless dispatched to such premises.

(2) It shall be unlawful for any person to activate, cause to be activated, or operate or maintain any alarm system which automatically sends a prerecorded message or coded signal indicating the activation of an alarm system to any public safety agency.

(3) It shall be unlawful for any person to fail or refuse to obey a cease and desist order issued pursuant to this chapter or pursuant to former Sec. 46-28.

(4) Facilities owned or operated by the county or the county board of education are exempt from the prohibitions of this article.

(c) Cease and desist orders.

(1) The director of the department of public safety shall issue a cease and desist order to any person violating section 70-37(b)(2). Such order shall direct that the alarm system in question be permanently disconnected immediately upon receipt of such order.

(2) The director of the department of public safety shall also issue a cease and desist order to any person who has violated section 70-37(b)(1) six times within any calendar year. Such order shall direct that the alarm system in question be disconnected and shall not be reconnected until it has been inspected and serviced by a properly trained and licensed technician. Such order shall be rescinded upon receipt by the director of public safety of written proof that such inspection and service have been performed and any malfunction or maladjustment corrected.

(E) Penalties for false alarms.

(1) For the first three violations of section 70-37(b)(1) at any premises in a calendar year, there shall be no penalty.

(2) For the fourth violation of section 70-37(b)(1) at any premises in a calendar year, there shall be a fine of \$50.00.

(3) For the fifth violation of section 70-37(b)(1) at any premises in a calendar year, there shall be a fine of \$75.00.

(4) For the sixth and any subsequent violation of section 70-37(b)(1) at any premises in a calendar year, there shall be a fine of not less than \$100.00 nor more than \$500.00.

(5) Any violation of this section shall be punished as provided in section 1-10.

STATE LAW REFERENCE: – O.C.G.A. §50-18-72 (a) (11.2)