

STATE OF SOUTH CAROLINA)
)
COUNTY OF NEWBERRY)

ORDINANCE NO. 05-10-2022

AN ORDINANCE TO ADOPT A FALSE FIRE ALARM ORDINANCE FOR THE COUNTY OF NEWBERRY. THIS ORDINANCE IS TO ENCOURAGE BUSINESSES AND HOMEOWNERS TO MAINTAIN ALARM SYSTEMS PROPERLY AND TO PROVIDE PENALTIES FOR VIOLATION OF THIS ORDINANCE

WHEREAS, emergency response to false fire alarms wastes the resources of Newberry County and endangers our community; and

WHEREAS, in the interest of public safety, ensuring the efficient and expedient use of county resources, and encouraging businesses and homeowners to maintain alarm systems properly, the Newberry County Council finds it necessary to establish regulations and impose penalties against those who cause false fire alarms; and

WHEREAS, in the interest of public safety, ensuring the efficient and expedient use of county resources, and encouraging businesses and homeowners to maintain alarm systems properly, the Newberry County Council finds it necessary to establish regulations and impose penalties against those that fail to promptly respond to fire alarms on their premises within the unincorporated areas of Newberry County and all municipalities except the City of Newberry; and

NOW, THEREFORE, BE IT ORDAINED, by the Newberry County Council that the following sections are adopted as set out herein:

SECTION 1. - DEFINITIONS

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

Alarm means a signal, audio or visual, recorded or live, transmitted to the fire department through Newberry County Dispatch, and indicating a predetermined condition. The alarm may be received via:

1. Telephone lines to a designated position on an alarm panel at Newberry County Dispatch, or electronic receptors installed at the fire department.
2. A private alarm service company relaying a predetermined condition to Newberry County Dispatch, or electronic receptors installed at the fire department.
3. An automated telephone alarm system playing a recorded message when received by Newberry County Dispatch, or when received at the fire department.
4. Audible alarm or any alarm transmitted by any means and received by Newberry County Dispatch, by way of telephone, radio, personally reported, or when detected by personnel of the fire department.

Alarm initiating device means a device that is designed to respond either manually or automatically to smoke, fire, carbon monoxide, or activation of a fire suppression system.

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ELIZABETH H. FOLK
CLERK OF COURT

False fire alarm means the activation of any fire alarm system which results in a response by the fire department, and which is caused by the negligence or intentional misuse of the fire alarm system by the owner, its employees, agents or any other activation of a fire alarm system not caused by heat, smoke, carbon monoxide, and/or fire. Also, any activation caused by a mechanical failure, malfunction, improper installation, lack of proper maintenance, dust from construction or any source, or any other response for which the fire department personnel are unable to determine the apparent cause of the alarm activation.

Owner means any person or business entity who owns the premises in which a fire alarm system is installed or who leases, operates, occupies or manages the premises.

Premises means any building, structure or a combination of buildings and structure which is served by a single fire alarm system. Buildings, structures or a combination hereof which is served by more than one fire alarm system will be considered separately in calculating false alarms and penalties.

SECTION 2. – PENALTIES

- a) False Alarm. *
- 1) There shall be no penalty imposed for the first or second false alarms within any calendar year which shall run from January 1st to December 31st.
- 2) The following penalties shall be imposed against the owner for the fourth and subsequent false alarms within any calendar year:
 - a. First violation (3rd false alarm), minimum Residences \$150.00/
Businesses \$250.00.
 - b. Second violation (4th false alarm), minimum Residences \$250.00/
Businesses \$350.00.
 - c. Third violation (5th false alarm and beyond), minimum for each
Residences \$350.00/ Businesses \$500.00.
- 3) Exemptions. The following are exempt from penalty for false alarm activations:
 - a. Alarms activated by outside activity, such as breaking and entering, unlawful intrusion or fire condition.
 - b. Alarms activated through systems testing where the same was pre-reported to the Newberry County Dispatch or directly to the fire department.
 - c. Alarms activated as medical lifelines by those who depend upon such systems as a means of reporting a medical or other life-threatening emergency.
 - d. Any alarm activation deemed as necessary by personnel of the county fire service following an investigation.
 - e. Multiple alarms received within a single 24-hour period that were initiated from the same alarm initiating device, and where the owner, lessee or manager of the premises has not had an opportunity to effect correction of a defective alarm system. Such multiple alarms shall constitute a single alarm for the purpose of this ordinance, including for the purpose of imposing a penalty.

- f. Any alarm activation system within any municipal boundaries except with the City limits of the City of Newberry.
- b) Failure to respond for a business. *
 - 1) There shall be no penalty for the first failure to respond.
 - 2) After an alarm activation at a business, and when due and timely notice was given to the owner, lessee, manager or other predesignated person to respond, and where no such response was made or the person notified fails to respond within one hour after being notified, this shall be considered as “failure to respond,” and the following penalties shall be imposed against the owner:
 - a) First violation (2nd failure to respond), minimum Residences \$150.00/ Businesses \$250.00,
 - b) Second violation (3rd failure to respond), minimum Residences \$250.00/ Businesses \$350.00.
 - c) Third violation (4th failure to respond and beyond), minimumfor each Residences \$350.00/ Businesses \$500.00.
 - 3) A written report for “failure to respond” shall be filed with documentation with the Newberry County Emergency Management Director from the primary fire station. The Newberry County Dispatch shall document that notification or attempts to notify were made with no response. Documentation must list the dates, times and person notified or where attempts were made to notify with no response.

c) Billing.

The county shall bill penalties imposed against the owner on the first of each month and the bill shall be due and payable by the fifteenth of each month. **All bills shall state that any bill not paid by the end of the month shall bear interest at the rate of 1.5 percent per month until paid.** All bills which remain delinquent at the end of a calendar year along with the interest which has accrued during the calendar year shall become a lien which shall attach to the property which received the benefit of the service. The method provided in this section for the enforcement of the collection of past due fees shall not be the exclusive method of enforcing such collections, and the County may enforce the collection of any fee in any other lawful manner.

*** Note ---No portion of any monetary fine shall be suspended.**

SECTION 3. – FIRE ALARM ACTIVATION; RESPONSE TO PREMISES.

- a) The owner shall be responsible for the activation of a fire alarm system.
- b) The Newberry County Fire Service shall determine the number of false alarm responses and “failure to respond” responses separately.
- c) A response to the activation of a fire alarm system shall result when any officer or member of the Newberry County Fire Service is dispatched to the premises where the fire alarm system has been activated.

- 1) At the time of the response, the owner shall have at least one person respond to the premises that is authorized to enter the premises and assist the fire department.
- 2) In the event the fire alarm system is a monitored system, it is the responsibility of the company monitoring the fire alarm system to notify at least one person to respond to the premises that is authorized to enter the premises and assist the fire department.
- d) The officer or member of the fire department who responded to said premises shall serve the owner or authorized representative with a fire alarm activation report.

SECTION 4 – REPORTS FOR FALSE ALARMS

- a) Department responsible to determine response. The Newberry County Fire Service shall determine the number of false alarm responses and “failure to respond” responses separately.
- b) Report required. For each false alarm response by the fire department, the fire department shall cause a report to be filed with the fire department classifying the alarm as a false alarm. (NFIRS codes 711, 712, 713, 714, 715, 731, 732, 733, 734 and 735)

SECTION 5 – INDIVIDUAL ALARM ACTIVATIONS

Any person who intentionally causes the activation of an alarm that causes response by the fire department, as an emergency situation, and, upon further investigation by personnel of the fire department, that deems the activation as “intentional” without an emergency situation,” shall cause a written report to be filed with the fire department. The written report shall include the date, location, time and person responsible for the activation. Any person who violates this section shall be guilty of a misdemeanor and can be subject to a fine not to exceed \$150.00 and/or up to 30 days in jail. Any person who violated this section shall be deemed as acting on his or her own, and the owner, lessee or manager of the premises shall not be held liable for the actions of the person causing the activation.

SECTION 6 – GOVERNMENT IMMUNITY

Having a fire alarm system is not intended to, nor will it, create a contract, duty or obligation, either express or implied, of response. Any and all liability and consequential damage resulting for the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By having a fire alarm system, the owner acknowledges that fire department response maybe based on factors such as availability of fire department units, priority of calls, weather conditions, traffic conditions, emergency conditions and staffing levels. The County, its officers, employees and agents shall not assume any duty or responsibility for the installation, maintenance, operation, repair or effectiveness of any privately owned fire alarm system, those duties and responsibilities being solely those of the owner of the premises

IT IS SO ORDAINED this 1st day of ~~May~~ June, 2022, by the Newberry County Council in meeting duly assembled at Newberry, South Carolina.

NEWBERRY COUNTY COUNCIL

(SEAL)

BY:



Todd Johnson, Chairman

ATTEST:

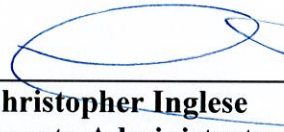


Jackie Lawrence, Clerk to Council

Approved as to form



A.J. Tothacer, Jr., County Attorney



Christopher Inglese
County Administrator

1st Reading: May 4, 2022
2nd Reading: May 18, 2022
Public Hearing: June 1, 2022
3rd Reading: June 1, 2022