



KITTY HAWK POLICE DEPARTMENT

AN ORDINANCE TO REGULATE THE INSTALLATION, OPERATION AND MAINTENANCE OF AUTOMATIC ALARM SYSTEMS

Chapter 8, Sections 8-85 through 8-89

BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF KITTY HAWK:

A. DEFINITIONS

For the purposes of this article, the following words and phrases shall have the meanings respectfully ascribed to them by this section.

Alarm System Business: Any person who sells or leases and installs services or maintains automatic protection devices, signaling devices or automatic protection systems which transmit alarms upon receipt of a stimulus from a detection apparatus.

Automatic Protection Device: Any mechanical or electrically operated device designed to monitor and or detect fire, unauthorized intrusion or an emergency situation.

Automatic Protection System: Any mechanical or electrically operated installation consisting of an automatic protection device or devices and or signaling device which detects emergency situations and transmits a warning signal by any means.

Emergency Situation: That situation which a particular automatic protection device is designed to monitor and or respond to by transmitting a signal to a signaling device.

False Alarm: A visual and or audible signal transmitted by a signaling device which indicates the existence of an emergency situation when in fact no such emergency situation exists; or a visual and or audible signal transmitted by a signaling device which is not a supervisory function of that device.

Signaling Device: One or more of the following:

1. Any electrically operated instrument which automatically transmits a voice alarm or electronic pulse over regular telephone lines upon detection of a fire, unauthorized intrusion or other emergency situation.
2. An electrically operated instrument which automatically transmits a signal over leased, dedicated telephone line to a receiver upon detection of a fire, unauthorized intrusion or other emergency situation.
3. An electrically operated instrument which automatically transmits or produces a visual or audible signal upon detection of a fire, unauthorized intrusion or other emergency situation at the protected premises.

B. PERMITS

1. **Required:** No automatic protection system which utilizes a signaling device as defined shall be installed until a permit has been obtained in the name of the owner of the premises by either the owner of the premises or an alarm system business which services or maintains the automatic protection system and no automatic protection system which utilizes a signaling device defined shall be operated until a permit has been obtained in the name of the owner of the premises by either the owner of the premises or an alarm system business which services or maintains the automatic protection system.
2. **Applications:** Applications for permits shall be filed with the Town Police Department on a form supplied by the Department.
3. **Issuance:** Upon approval of the application for a permit by the Chief of Police, the permit shall be issued in the name of the owner and identify the type of signaling device utilized by the automatic protection system, the address of the location of such system and containing the following hold harmless statement:

“The owner of the premises for which this permit is issued, by his acceptance thereof, agrees for himself, his lessees, agents, heirs, successors and assigns, that for so long as an automatic protection system is installed on the premises he shall hold the Town of Kitty Hawk harmless and the Town of Kitty Hawk, its agents and employees shall not be liable for any damage to the premises caused by entry of any member of the Kitty Hawk Police Department or Volunteer Fire Department or its members in response to an alarm initiated by the automatic protection system.”
4. **Right of Inspection:** The Chief of Police and Fire Chief or their designee shall have the right to inspect at reasonable times any automatic protection system on the premises where it is installed.
5. **Revocation:** If it is determined that the automatic protection system under such permit has been installed or operated in violation of the provisions of this ordinance then the Chief of Police may revoke or suspend any permit issued pursuant to the provisions of this ordinance after giving written notice by certified mail to the permit holder and an opportunity for the permit holder to be heard.
6. **Appeal:** A permit holder shall have the right to appeal any determination or decision by the Chief of Police to revoke a permit to the Town Manager.

C. FALSE ALARMS

1. **Responsibility.** Each permitted owner of an automatic protection system or signaling device shall be responsible for any false alarm transmitted by such system or device.
2. **Records.** The Police Department shall maintain a record of all false alarms transmitted and pursuant to the required notice an opportunity to be heard may revoke or suspend the permit for the operation of any automatic protection system involved in the transmission of false alarms in excess of one such alarm per calendar month.

D. LIMIT OF TOWN LIABILITY

The Town assumes no liability for any defects in the operation of automatic protection devices and signal device systems or for any failure or neglect to respond appropriately upon receipt of

an alarm from such a source or for the failure or neglect of any person in connection with the installation and operation of equipment the transmission of alarm signals and pre-recorded alarm messages or the relaying of such signals and messages.

Neither the Town, the Kitty Hawk Volunteer Fire Department, Police Department nor any member thereof acting in his official capacity shall be liable for damage to any premises caused by entry to the premises in response to an alarm generated by an automatic protection system.

E. ENFORCEMENT

1. A civil penalty as provided herein may be imposed upon any owner who installs or operates a detection system without a valid current permit.
2. A civil penalty as provided herein may be imposed upon an owner with a detection system which transmits more than one false alarm per calendar month.
3. A civil penalty as provided herein shall be the sum of \$50.00 for failing to obtain or renew the permit required herein and the sum of \$50.00 for the second false alarm during any calendar month and the sum of \$100.00 for the third and subsequent false alarms during any calendar month. A civil penalty shall be enforceable in a civil action in the nature of debt if the owner does not pay the civil penalty within 20 days after he has been notified of his non-compliance. Each day's operation of a detection system without a valid permit as provided herein shall be a separate and distinct offense for which a civil penalty as provided herein shall be imposed.

This ordinance shall take effect this 23rd day of April, 1990. Passed and adopted by the Town Council of Kitty Hawk at a regular meeting held the 23rd day of April 1990, by a vote of 5 in favor and 0 opposed.