

STATE OF SOUTH CAROLINA )

COUNTY OF OCONEE )

ORDINANCE 2023-4

CITY OF WALHALLA )

**AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE 2006-5 TO REGULATE FALSE / NUISANCE ALARMS TO WHICH THE PUBLIC SAFETY SERVICES OF THE CITY OF WALHALLA RESPONDS.**

NOW THEREFORE: it is ordained and enacted that: by the Mayor and Council members of the Municipality of Walhalla, in Council assembled, that the following ordinance, shall be as follows:

**SECTION 1. TITLE**

The title of this ordinance shall be the False / Nuisance Alarm Ordinance.

**SECTION 2. PURPOSE**

The purpose of this ordinance is:

- I. to protect the citizens, visitors and buildings of City of Walhalla.
- II. to promote economic and general welfare of the people of City of Walhalla.
- III. to limit the danger and liability that the public and public safety services are exposed to.

The City of Walhalla Fire Department and Police Department responds on a regular basis to alarms which turn out to be false alarms. The Police and Fire Departments are unable to determine whether or not an alarm is false without responding to the call, thereby necessitating a response to each alarm. Responding to alarms requires the Police and Fire Departments to expend considerable manpower, fuel, apparatus and equipment maintenance costs and exposes them and the public to danger and liability due to the response level required.

The City of Walhalla assumes no responsibility for the installation, maintenance or repair of any required or non-required fire and/or burglar alarms.

It shall also be the responsibility of the alarm subscriber/ property owner to maintain up to date keyholder information with the alarm company.

### SECTION 3. SERVICE CHARGE

#### RESIDENTIAL

Every residence within the incorporated areas of the City of Walhalla that has a fire and/or burglar alarm system shall be considered in good standing to report a maximum of two (2) false alarms per one year period. After two (2) false alarm responses that the City of Walhalla Fire Department and/or Police Department has responded, a fee can/may be levied against the owner or lessee as follows:

Number of False Calls/ Year	Service Fee
1 <sup>st</sup> Alarm	\$0
2 <sup>nd</sup> Alarm	\$0
3 <sup>rd</sup> Alarm	\$60.00
4 <sup>th</sup> Alarm	\$120.00
5 <sup>th</sup> Alarm	\$240.00
6 <sup>th</sup> Alarm	\$480.00

After 6 alarms have occurred that required response each additional alarm after for the remainder of the year (12 month) shall be charged at \$480.00 per alarm.

The one-year (12 month) period shall start on January 1<sup>st</sup> and end on December 31<sup>st</sup> of each calendar year.

#### COMMERCIAL

Every commercial business within the incorporated areas of the City of Walhalla that has a fire and/or burglar alarm system shall be considered in good standing to report a maximum of two (2) false alarms per one year period. After two (2) false alarm responses that the City of Walhalla Fire Department and/or Police Department has responded, a fee can/may be levied against the owner or lessee as follows:

Number of False Calls/ Year	Service Fee
1 <sup>st</sup> Alarm	\$0
2 <sup>nd</sup> Alarm	\$0
3 <sup>rd</sup> Alarm	\$125.00
4 <sup>th</sup> Alarm	\$250.00
5 <sup>th</sup> Alarm	\$500.00
6 <sup>th</sup> Alarm	\$1000.00

After 6 alarms have occurred that required response each additional alarm after for the remainder of the year (12 month) shall be charged at \$1000.00 per alarm.

The one-year (12 month) period shall start on January 1<sup>st</sup> and end on December 31<sup>st</sup> of each calendar year.

### SECTION 3. FIRE DEPARTMENT



- I. After receiving and responding to two (2) false alarms any additional false alarms for the remainder of the year (12 month) the City of Walhalla Fire Chief or his/her designee can/may present an invoice for the fee imposed. The City of Walhalla Fire Department shall keep a duplicate copy of the invoice on file. The offending party shall have thirty (30) days to pay said invoice to the City of Walhalla. In the event that the offending party does not pay the invoice withing thirty (30) days, the City of Walhalla can/may file a civil action for the collection of said invoice. If the City of Walhalla files a civil action to collect said invoice, the City of Walhalla shall also be entitled to attorney's fees, Court costs and costs incurred for collecting said invoice.

#### **SECTION 4. POLICE DEPARTMENT**

- I. After receiving and responding to two (2) false alarms for any additional false alarms for the remainder of the year (12 month) the City of Walhalla Police Chief or his/her designee shall present an invoice for the fee imposed. The City of Walhalla Police Department shall keep a duplicate copy of the invoice on file. The offending party shall have thirty (30) days to pay said invoice to the City of Walhalla. In the event that the offending party does not pay the invoice withing thirty (30) days, the City of Walhalla may file a civil action for the collection of said invoice. If the City of Walhalla files a civil action to collect said invoice, the City of Walhalla shall also be entitled to attorney's fees, Court costs and costs incurred for collecting said invoice.

#### **SECTION 5. SEVERABILITY CLAUSE**

If any provision of this ordinance shall be held or made invalid by a court decision, statute, or rule, or shall be otherwise rendered invalid, the remainder of this ordinance shall not be affected thereby.

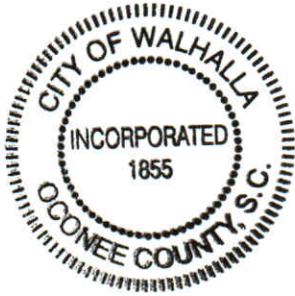
#### **SECTION 6. LEGALITIES**

That nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as city in Section 5 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

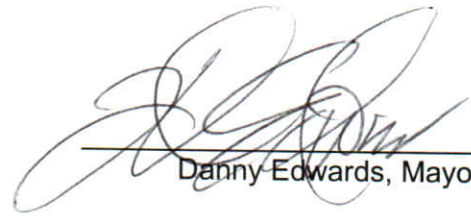
#### **SECTION 7. ADOPTION**

This ordinance shall take effect and be in force from and after its approval as required by law.

AND IS DONE AND RATIFIED in Council Duly assembled this 18<sup>TH</sup> Day of APRIL 2022.



(SEAL)

  
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Danny Edwards, Mayor

ATTEST:

Timothy B. Burton  
Timothy B. Burton, City Administrator

Introduced By: MR. PACE

First Reading: MARCH 21, 23

Public Hearing,  
Second Reading  
And Adoption: APRIL 18, 2023