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LANCASTER, SC

STATE OF SOUTH CAROLINA)
)
COUNTY OF LANCASTER)

ORDINANCE NO. 2020 – 1676

~~Indicates Matter Stricken~~
Indicates New Matter

AN ORDINANCE

TO AMEND SECTION 19-104 OF THE LANCASTER COUNTY CODE AND DELETE SECTIONS 19-107, 19-108, 19-109, AND 19-110 OF THE LANCASTER COUNTY CODE RELATED TO ALARMS.

Be it ordained by the Council of Lancaster County, South Carolina:

Section 1. Findings and determinations.

WHEREAS, several sections of Article 6 of Chapter 19 of the Lancaster County Code relate to alarm systems that directly dialed the Sheriff’s Office rather than connecting to a central monitoring station; and

WHEREAS, certain provisions need to be amended or removed as they are antiquated and no longer utilized; and

NOW, THEREFORE, by the power and authority granted to the Lancaster 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, it is ordained and enacted that:

Section 2. Sections 19-104, 19-107, 19-108, 19-109, and 19-110 of the Lancaster County Code are amended as follows:

Sec. 19-104. - Alarm users and alarm user permits.

(a) An alarm user shall:

- (1) Maintain the premises and security alarm system in a manner that will minimize or eliminate false alarms;

- (2) Review all alarm system operating instructions, including those for verification of an alarm;
- (3) Notify the alarm system monitoring company of a false alarm activation as soon as the user is aware of the false alarm;
- (4) Not manually activate an alarm except when needing an immediate sheriff's office response to an emergency;
- (5) Obtain all required permits under county ordinance.

~~(b) In order to ensure that alarm system users have necessary information properly documented and that violations can be accurately billed and proper notification sent out, all alarm users shall be required to obtain an alarm user permit from the Lancaster County Zoning Department. The alarm user permit shall be effective as long as the permittee remains at the address that is the subject of the permit. The cost of the alarm user permit shall be ten dollars (\$10.00).~~

~~(c) All present alarm users shall pay a ten dollar (\$10.00) fee payable between August 1, 2002, and September 30, 2002.~~

~~(d) In the event that an alarm user changes addresses, the information on the alarm user permit must be updated within thirty (30) days to the new address. No additional fee will be charged. After thirty (30) days, no response will be afforded to alarm users that have failed to comply with the permit update requirements of this section.~~

~~(e) A resident who moves to a residence that contains an alarm will be required to pay a ten dollar (\$10.00) fee, unless his previous home had an alarm system that was permitted.~~

Sec. 19-107. — Determination of false alarm; rebuttable presumption.

For the purposes of this article, there is a rebuttable presumption that the following determinations made by the sheriff or by a sheriff's deputy dispatched to the premises reporting an alarm signal are correct:

- ~~(1) There is no evidence of a crime or other activity that would warrant a call for immediate sheriff's office assistance at the premises;~~
- ~~(2) No individual who was on or near the premises or who has viewed a video communication from the premises called for a sheriff's office dispatch or verified a need for an immediate sheriff's office response;~~
- ~~(3) There is no evidence that violent conditions of nature or other extraordinary circumstances beyond the control of the alarm user caused the activation of the alarm.~~

Sec. 19-108. — Penalty for false alarm.

~~(a) A ninety day grace period should be afforded to all alarm system users beginning September 1, 2002, and ending November 30, 2002. After a false alarm is deemed a violation of this ordinance, the alarm user shall be fined fifty dollars (\$50.00) for each offense; however, no charge will be levied for the first violation which occurs after December 1, 2002.~~

~~(b) Any user cited can eliminate the issuance of a citation by providing proof that the system has been inspected and approved by the alarm company within thirty (30) days after the false alarm (see appeal procedure below).~~

Sec. 19-109. ~~Appeal of false alarm fine.~~

~~(a) An alarm system user may appeal the penalty incurred for a false alarm to the magistrate, who may waive the penalty and clear the notice of the violation as a warning.~~

~~(1) The notice to the alarm user describes a violation;~~

~~(2) Within thirty (30) days after the date of the notice of a false alarm, the alarm user either follows the instructions on the back of the notice of violation to arrange an appearance in court or mails a written response to the court requesting a waiver and clearance as a warning.~~

~~(b) In any appeal of a false alarm penalty, the alarm user may present evidence before the magistrate, or in the written response to the court that shows the steps that the alarm user or alarm system monitoring company has taken, or is taking, to correct the false alarm problem; the facts and circumstances of the false alarm; and other relevant information.~~

Sec. 19-110. ~~No response to frequent false alarms; appeal of no response determination.~~

~~(a) The sheriff may consider such a call for assistance as an additional factor in the sheriff's decision to order an immediate sheriff's office response when an in-person call, verification from a person at or near the premises, or other independent evidence shows a need for immediate sheriff's office assistance at the premises.~~

~~(b) To discourage false alarms, the sheriff shall adopt a process of sending a letter or delivering other written notice informing the alarm user who has had a false alarm of the consequences of excessive false alarms, the need to take corrective action, and the prospect that four (4) false alarms in a six-month period shall result in the sheriff's office disregarding alarms from the premises and not responding to requests for immediate sheriff's office assistance unless there is an in-person call for assistance from someone at or near the premises or other independent information that verifies the need for an immediate sheriff's office response.~~

Sections 19-107 through 19-110 RESERVED.

Section 3. **Effective date.**

This ordinance is effective upon Third Reading.

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AND IT IS SO ORDAINED

Dated this 24th day of August, 2020.

LANCASTER COUNTY, SOUTH CAROLINA


Steve Harper, Chair, County Council

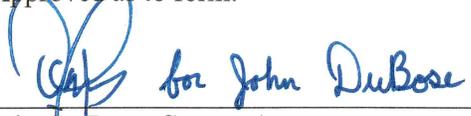

Larry Honeycutt, Secretary, County Council

ATTEST:


Sherrie Simpson, Clerk to Council

First Reading: July 20, 2020
Second Reading: August 10, 2020
Public Hearing: August 10, 2020
Third Reading: August 24, 2020

Approved as to form:


John DuBose, County Attorney

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