

**GWINNETT COUNTY**  
**BOARD OF COMMISSIONERS**  
**LAWRENCEVILLE, GEORGIA**

**RESOLUTION ENTITLED: ALARM SYSTEMS ORDINANCE AMENDMENT**

**ADOPTION DATE:** July 19, 2022

At the regular meeting of the Gwinnett County Board of Commissioners held in the Justice and Administration Center, Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

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<b>Name</b>	<b>Present</b>	<b>Vote</b>
Nicole L. Hendrickson, Chairwoman	Yes	Aye
Kirkland D. Carden, District 1	Yes	Aye
Ben Ku, District 2	Yes	Aye
Jasper Watkins III, District 3	Yes	Aye
Marlene M. Fosque, District 4	Yes	Aye

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On motion of Commissioner Ku, which carried by a 5-0 vote, the Gwinnett County Board of Commissioners hereby adopts the following Resolution:

**ALARM SYSTEMS ORDINANCE AMENDMENT**

**WHEREAS**, the Gwinnett County Board of Commissioners is charged with the protection of the health, safety and welfare of the residents of unincorporated Gwinnett County; and

**WHEREAS**, the current Alarm Systems Ordinance, as set forth in Article III of Chapter 34 of the Gwinnett County Code of Ordinances, was enacted in 2002 to encourage alarm users and alarm companies to properly use and maintain alarm systems and to reduce or eliminate false alarms, which unduly divert law enforcement from responding to actual criminal activity; and

**WHEREAS**, the Alarm Systems Ordinance governs systems to summon law enforcement response to alarms, require alarm system registration, establish false alarm and other fees, establish a system of administration, and set grounds for the revocation of an alarm system registration; and

**WHEREAS**, the Gwinnett County Police Department has partnered with a third-party vendor to aid in managing the alarm systems within Gwinnett County to create a safer County by reducing the number of false alarms; and

**WHEREAS**, no alarm user shall operate, or cause to be operated, an alarm system at its alarm site without a valid alarm registration issued by the Gwinnett County Police Department; and

**WHEREAS**, the Gwinnett County Board of Commissioners finds that it is in the best interests of its residents and businesses to provide them with additional education regarding alarm registration procedures and to impose a penalty only upon a second offense for the non-registration of an alarm system; and

**WHEREAS**, this amendment to the Alarm Systems Ordinance requires the Gwinnett County Police Department to provide instructions regarding alarm registration procedures to persons intending to use alarm systems; and

**WHEREAS**, this amendment to the Alarm Systems Ordinance will waive the penalty for a first offense of non-registration of an alarm system; and

**WHEREAS**, this amendment establishes procedures for the appeal of a penalty for the non-registration of an alarm system or revocation of an alarm system registration; and

**WHEREAS**, the Gwinnett County Board of Commissioners finds that the adoption of this amendment to the Alarm Systems Ordinance is in the best interests of Gwinnett County by repealing Article III entitled "Alarm Systems" in its entirety and replacing it with a new Article III entitled "Alarm Systems," as set forth in Exhibit A attached hereto.

**NOW, THEREFORE, BE IT RESOLVED** that the Gwinnett County Board of Commissioners hereby amends Chapter 34 of the Code of Ordinances of Gwinnett County Code of Ordinances, as set forth in Exhibit A attached hereto.

**BE IT FURTHER RESOLVED** that all resolutions or parts or resolutions in conflict herewith are hereby repealed.

This Resolution is hereby adopted this 19<sup>th</sup> day of July, 2022.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By:   
Nicole L. Hendrickson, Chairwoman

ATTEST:

By: *Tina M King*  
Tina King, County Clerk



APPROVED AS TO FORM:

By: *Yvonne Rush Williams*  
Deputy County Attorney

**EXHIBIT A**  
**CHAPTER 34**  
**ARTICLE III – ALARM SYSTEMS ORDINANCE**

**Article III of Chapter 34, entitled “Alarm Systems Ordinance” is hereby amended by repealing Article III in its entirety and replacing it with a new Article III of Chapter 34, entitled “Alarm Systems Ordinance”, as set forth below:**

**Sec. 34-58. Purpose.**

The purpose of this article is to encourage alarm users and alarm companies to properly use and maintain alarm systems and to reduce or eliminate false alarms, which unduly divert law enforcement from responding to actual criminal activity. This article governs systems intended to summon law enforcement response, requires registration, establishes fees, provides for penalties for violations, establishes a system of administration and sets conditions for revocation of registration.

**Sec. 34-59. 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 text clearly indicates a different meaning:

*Alarm administrator* means a person or persons designated by the police chief to administer, control and review false alarm reduction efforts and manage the appeal process.

*Alarm company* means any business, whether operated by an individual, partnership, corporation or other entity, which is licensed to sell, lease, maintain, service, repair, alter, replace, move, install or monitor alarm systems at an alarm site.

*Alarm dispatch request* means a notification to the police department that an alarm, whether manual or automated, has been activated at an alarm site.

*Alarm site* means a single fixed location served by an alarm system or systems.

*Alarm system* means any mechanized and/or electronic device or set of devices intended to detect and signal the need for police at the premises in which such device or set of devices is installed.

*Alarm user* means, with respect to any premises, any person who owns, leases, manages, or otherwise controls such premises, whether such ownership, leasing, management, or control is shared with other persons and whether it is direct or indirect.

*Automatic dialer* or *auto-dialer* means any electrical, electronic, mechanical or other device designed or intended to call a pre-designated telephone number in the event of activation of an alarm system.

*Duress alarm* means a silent alarm system signal generated by the manual activation of a device intended to signal a life-threatening situation or crime in progress requiring law enforcement response.

*False alarm* means an alarm dispatch request resulting in the responding officer finding no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the alarm site.

*Holdup alarm* means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

*Local alarm system* means any alarm system that annunciates an alarm only by an internal or external audio device.

*Panic* means an audible alarm system signal generated by the manual activation of a device intended to signal a life-threatening or emergency situation requiring law enforcement response.

*Person* means an individual, corporation, partnership, association, organization or similar entity.

*Takeover* means the transaction or process by which an alarm user assumes control of an existing alarm system, which was previously controlled by another alarm user.

### **Sec. 34-60. Registration.**

- (a) No alarm user shall operate, or cause to be operated, an alarm system at its alarm site without a valid alarm registration issued by the police department. A separate registration is required for each alarm site.
- (b) A tenant of a commercial or residential complex unit equipped with an alarm system shall obtain an alarm registration from the alarm administrator before operating or causing the operation of an alarm system in the tenant's commercial or residential unit. The owner or property manager of a commercial or residential complex shall obtain a separate alarm registration for any alarm system operated in offices or common areas of the apartment complex. Each commercial or residential complex unit shall be considered an alarm site if served by a separate alarm system.
- (c) The initial registration application must be submitted to the alarm administrator within 30 days after the alarm installation or takeover. An alarm registration cannot be transferred to another person or alarm site.

- (d) Upon receipt of a completed alarm registration application, the alarm administrator shall register the applicant unless the applicant has:
  - (1) Failed to pay a fine assessed under this article; or
  - (2) Had an alarm registration for the alarm site revoked and the violation causing the revocation has not been corrected.
- (e) Each alarm registration application shall include the following information:
  - (1) The name, complete address and telephone numbers of the person who will be the registration holder and be responsible for the proper maintenance and operation of the alarm system and payment of fees and fines assessed under this article;
  - (2) The classification of the alarm site as either residential (includes condominium, mobile home, etc.), apartment or commercial (includes churches, schools, etc.);
  - (3) The classification of each alarm system (i.e., burglary, holdup, duress, panic or other) at the alarm site;
  - (4) Complete physical address of the alarm site to include any suite, building or apartment number;
  - (5) Any dangerous or special conditions present at the alarm site;
  - (6) Name and address of at least two individuals who are able and have agreed to:
    - a. Receive notification of an alarm activation at any time;
    - b. Respond to the alarm site within 30 minutes; and
    - c. Grant access to the alarm site and deactivate the alarm system if necessary;
  - (7) Type of business conducted at the alarm site;
  - (8) Signed certification from the alarm user stating:
    - a. The date of installation, conversion or takeover of the alarm system;
    - b. The name, address, phone number and low voltage license number of the alarm company performing the alarm system installation, conversion or takeover and which is responsible for providing repair service to the alarm system;
    - c. The phone number of the alarm company monitoring the alarm system if different from the installing alarm company;
    - d. That a set of written operating instructions for the alarm system, including written guidelines on how to avoid false alarm, has been left with the applicant;

- e. That the alarm company has trained the applicant in proper use of the alarm system, including instructions on how to avoid false alarms.
- (f) Any false statement of a material fact made by an applicant for the purpose of obtaining an alarm registration shall be sufficient cause for refusal to issue a registration or to revoke a registration previously granted.
- (g) An alarm user shall inform the alarm administrator of any change that alters any information listed on the alarm registration application within 30 business days of the change.

**Sec. 34-61. Government immunity.**

Registration of an alarm system is not intended to, nor does it, create a contract, duty or obligation, either expressed or implied, of response by a law enforcement agency. Any and all liability and consequential damage resulting from the failure to respond to an alarm dispatch request is hereby disclaimed and governmental immunity as provided by law is retained. By registering an alarm system, the alarm user acknowledges that law enforcement response may be based on factors such as availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions and/or staffing levels.

**Sec. 34-62. Duties of an alarm user.**

- (a) An alarm user shall:
  - (1) Maintain the premises and the alarm system in a manner that will minimize or eliminate false alarms; and
  - (2) Respond or cause a representative to respond to the alarm site within 30 minutes when requested by the police department to deactivate a malfunctioning alarm system, to provide access to the premises, or to provide alternative security for the premises.
- (b) An alarm user shall adjust the alarm system or cause the alarm system to be adjusted so that an alarm signal audible on the exterior of an alarm site will sound for no longer than ten minutes after being activated, or 15 minutes for alarm systems operating under Underwriter Laboratories, Inc., standards 365 or 609.
- (c) An alarm user shall have an alarm company inspect the alarm system after two false alarms in a one-year period from the date of registration or renewal. The alarm user must submit written certification from an alarm company stating that the alarm system has been inspected and that repairs or modifications, if necessary, have been made. The alarm administrator may waive an inspection

requirement if it determines that a false alarm(s) could not have been related to a defect or malfunction in the alarm system. After four false alarms within a one-year period from the date of registration issuance or renewal, the alarm user must have an alarm company modify the alarm system to be more false alarm resistant and/or to provide additional alarm user training as appropriate.

- (d) An alarm user shall maintain at each alarm site a set of written operating instructions for each alarm system.

**Sec. 34-63. Prohibited acts.**

- (a) It shall be a violation of this article for a person to:
  - (1) Operate an alarm system during the period in which an alarm registration is revoked;
  - (2) Transmit a false alarm;
  - (3) Activate, except in the event of an actual emergency, any alarm system for the purpose of summoning a law enforcement response;
  - (4) Notify the police department directly through the E-911 system of any alarm activation by means of an auto-dialer, or telephonic recording, message, signal or warning; or
  - (5) Aid or abet in the commission of an act prohibited in this section.
- (b) Any responsible person violating or failing to comply with any of the provisions of this article may be summoned to the recorder's court for each violation and/or instance of noncompliance and, upon conviction, shall be punished as provided by a fine not to exceed \$500.00 and by imprisonment not to exceed 60 days, or both.

**Sec. 34-64. Fees.**

- (a) For a police response to any false alarm, the alarm administrator shall charge and collect fees from the alarm user as follows:
  - (1) First false alarm in a calendar year: No fee.
  - (2) Second false alarm in a calendar year: \$25.00.
  - (3) Third false alarm in a calendar year: \$50.00.
  - (4) Fourth false alarm or more in a calendar year: \$100.00 per each subsequent false alarm.
- (b) Any person operating an alarm system without a valid alarm registration when the police respond to a false alarm will receive instructions from the alarm

administrator and/or third-party vendor regarding alarm registration procedures and will not be assessed a fee for the first offense. Each false alarm activation thereafter for which an alarm system is not registered or for which the registration has been revoked shall be subject to a fee of \$25.00 for each false alarm. Such fees shall be remitted to the alarm administrator not later than 30 days after the date on which notification is sent to the alarm user. In the event an alarm user is convicted for transmitting a false alarm pursuant to section 34-63, any applicable fees shall be waived in lieu of the criminal penalty assessed.

**Sec. 34-65. Duties of the alarm administrator.**

- (a) The alarm administrator shall:
  - (1) Designate the manner, form and telephone numbers for the communication of alarm dispatch requests; and
  - (2) Establish a procedure to accept cancellation of alarm dispatch requests.
- (b) The alarm administrator shall establish procedures for recording and maintaining information on alarm dispatch requests, and procedures for notifying alarm users of false alarms.
- (c) If there is reason to believe that an alarm system is not being used or maintained in a manner that ensures proper operation and suppresses false alarms, the alarm administrator may require a conference with an alarm user and/or the alarm company to review the circumstances of each false alarm. Failure to participate in such a conference shall result in revocation of the alarm user's alarm registration.
- (d) The alarm administrator and/or a third party vendor shall oversee the creation and implementation of an alarm user awareness class for the purpose of informing alarm users of problems created by false alarms.

**Sec. 34-66. Notification.**

- (a) The alarm user shall be notified in writing of the fees assessed after the second and third false alarms in a one-year period. Notice shall be deemed received if sent via United States mail addressed to the alarm user as provided by section 34-60(e)(1) or (4). The notification shall include the amount of the fees for each false alarm, notice that the alarm user can attend alarm user awareness class to abate the fee for the second false alarm, if applicable, and a description of the appeal procedure.

- (b) The alarm user shall be notified in writing after the fourth false alarm that the alarm registration is revoked and the reasons therefor. This notice of revocation shall include a description of the appeal procedure.

**Sec. 34-67. Revocation.**

An alarm registration may be revoked if:

- (1) The alarm user has four or more false alarms in a calendar year;
- (2) The alarm user habitually fails to comply with section 34-62;
- (3) There is a false statement of a material fact in the application for registration;
- (4) The alarm user has failed to make timely payment of a fine assessed under section 34-63 or fee assessed under section 34-64;
- (5) The alarm user has failed to submit a written certification from an alarm company, in compliance with the requirements of this article, stating that the alarm system has been inspected, and repaired if necessary, by the alarm company; or
- (6) The commission of acts defined under section 34-63.

**Sec. 34-68. Appeals.**

- (a) An alarm user may appeal a fee or revocation of alarm registration to the alarm administrator. In order to appeal outstanding charges of up to four (4) false alarm fees, an appeal fee of \$25.00 shall accompany the appeal. In order to appeal outstanding charges of five (5) or more false alarm fees, an appeal fee of \$50.00 shall accompany the appeal. The appeal fee will be returned to the alarm user if the appeal is successful. The filing of an appeal with the alarm administrator stays the assessment of a fee or suspension until the alarm administrator can make a decision on the appeal.
- (b) An appeal must be submitted to the alarm administrator within 15 days of the date on which notice of a fee or alarm registration revocation is sent.
- (c) If the appeal is denied, the alarm administrator shall send written notice to the appellant of the action.

**Sec. 34-69. Reinstatement.**

- (a) A person whose alarm registration has been revoked may submit a request for reinstatement of an alarm registration to the alarm administrator. The request shall be granted if the person:

- (1) Submits an updated alarm registration application;
  - (2) Pays all outstanding alarm fees;
  - (3) Submits certification from an alarm company showing proof, including the nature and cost, of repairs intended to eliminate the incidence of false alarms;
  - (4) Successfully completes the alarm user awareness class;
  - (5) Pays a reinstatement fee of \$100.00; and
  - (6) Submits proof of judicial resolution of charges, if any, which were made under section 34-67 and which resulted in the revocation.
- (b) The alarm administrator may provide an exemption from any of these requirements not appropriate to the action or lack of action.

**Sec. 34-70. Confidentiality.**

Information contained in the registration application and application for appeals shall be held in confidence by employees or representatives of the county with access to such information to the extent permitted by O.C.G.A. § 50-18-72(a)(19).

**Sec. 34-71. Exemptions.**

The provisions of this article shall not apply to any governmental agency, board, authority or entity.