

# AN ORDINANCE OF THE COUNTY OF MIDDLESEX PERTAINING TO NUISANCE ALARMS

BE IT ORDAINED BY THE BOARD OF SUPERVISORS OF MIDDLESEX  
COUNTY, VIRGINIA, THAT THE FOLLOWING ORDINANCE IS NEWLY  
ADOPTED:

## NUISANCE ALARMS

### **Section 1. Deliberate nuisance alarms.**

It shall be unlawful for any person knowingly to activate or cause to be activated, without just cause, an alarm system to summon law enforcement or fire department personnel in a non-emergency situation. Nothing contained in this section shall apply to the periodic testing of direct transmittal alarms when sufficient notice is given to the county sheriff's office.

### **Section 2. Service fee for nuisance alarms.**

(A) *Response by fire and/or rescue personnel.* Fees in the following amounts shall be assessed against alarm system users for nuisance alarms resulting in response by fire and/or rescue personnel and occurring during any period of one hundred eighty (180) successive days. Alarm system users shall pay such service fees for nuisance alarms within thirty (30) days of billing:

- (1) First nuisance alarm...no charge
- (2) Second nuisance alarm...no charge
- (3) Third nuisance alarm...\$100.00
- (4) Fourth nuisance alarm...\$250.00
- (5) Fifth and each subsequent nuisance alarm...\$500.00

(B) *Response by sheriff's office personnel.* Fees in the following amounts shall be assessed against alarm system users for nuisance alarms resulting in response by sheriff's office personnel and occurring during any period of one hundred eighty (180) successive days. Alarm system users shall pay such service fees for nuisance alarms within thirty (30) days of billing:

- (1) First nuisance alarm...no charge
- (2) Second nuisance alarm...no charge
- (3) Third nuisance alarm...\$75.00
- (4) Fourth nuisance alarm...\$125.00
- (5) Fifth and each subsequent nuisance alarm...\$225.00

(C) *Billing; interest on unpaid charges.* At the end of each month, the dispatch office shall provide the address of the alarm system and user for each nuisance alarm to the county administrator, along with the date and time of each nuisance alarm. The county administrator shall bill the user for any due service fees, and notify the chief or the sheriff of any account which is more than thirty (30) days in arrears. Any account more than thirty (30) days in arrears shall be subject to interest at the legal rate provided by the Code of Virginia, commencing when the account is more than thirty (30) days in arrears.

(D) *Exceptions.* This section shall not apply to any alarm system used, operated or installed in any premises or place owned, leased, occupied or under the control of the United States government, the state or any of its political subdivisions, nor to the county or its school board or any officer, agent or employee of such governmental agencies while acting or employed in their official capacity. All other requirements of this division shall apply.

State law references: Legal rate of interest, Code of Virginia, § 6.1-330.53; penalty and interest for failure to pay accounts, Code of Virginia, § 15.1-37.3:6.

### **Section 3. Termination and reinstatement of emergency response.**

(A) The sheriff or the fire chief may notify an alarm user whose account is more than sixty (60) days in arrears that the sheriff's office and/or fire department shall not respond to further alarm transmittals until the amount in arrears and a reinstatement fee is paid to the county.

(B) After six (6) nuisance alarms have been transmitted during a one hundred eighty-day period, the sheriff or the fire chief may notify the alarm user that the sheriff's office and/or fire department will not respond to alarm transmittals from the premises until service is reinstated. After such notice, emergency personnel response shall not be reinstated until a licensed alarm company has inspected the alarm system and certifies to the county that the system has been repaired and is operating correctly. The alarm user shall pay the cost of inspection, repair and certification.

(C) If the nuisance alarm occurred because of user error or negligence rather than mechanical failure, the fire chief or the sheriff may require the user, its employees (if any) and all others having access to the alarm system to complete a training program satisfactory to the fire chief or the sheriff.

(D) In all cases where sheriff's office and/or fire department response has been terminated, the alarm user shall pay all outstanding fees and accrued interest under section 2, plus a one hundred dollars (\$100.00) fee for reinstatement of each service.

(E) Nothing in this section will preclude response by fire department and/or sheriff's office personnel, if an actual emergency exists and a request for emergency response has been made through conventional means (e.g., telephone call to 911, sheriff's office or fire department).

Adopted by the Board of Supervisors of Middlesex County, Virginia on this 20<sup>th</sup> day of November, 2007.

	YES	NO
ROBERT A. CRUMP	X	_____
WAYNE H. JESSIE, SR.	X	_____
FRED S. CRITTENDEN	X	_____
JOHN D. MILLER, JR.	X	_____
KENNETH W. WILLIAMS	X	_____

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION