

False Alarms Ordinance

Whereas, the Board of Supervisors of Oktibbeha County, Mississippi is empowered to adopt orders, resolutions or ordinances with respect to public health safety and welfare pursuant to Mississippi Code of 1972 Section 19-3-40, commonly known as the Home Rule Statute, and for which no specific provision has been made by general law and which is not inconsistent with existing law of the State of Mississippi or the Mississippi Constitution; and

Whereas, the Board of Supervisors finds it necessary to take reasonable action to protect it people and the resources in Oktibbeha County from nuisance and faulty fire alarms;

Whereas, any person, firm, partnership or corporation, or other legal entity, have a fire alarm or responsible for said alarm cause through negligence or purposeful event causes a false alarm may be fined in the following manner in the discretion of the Justice Court Judge of Oktibbeha County Mississippi;

- The following words and terms when used in this article are intended to mean and shall mean as follows, to-wit:

Central station shall mean an office to which remote law enforcement or remote fire alarm and supervisory signaling devices are connected, where trained personnel are on duty and in attendance at all times to supervise the circuits terminating therein, dispatch investigatory personnel, and retransmit alarm signals to appropriate agencies.

False alarms shall mean any alarm signal necessitating response by law enforcement department personnel and/or fire department personnel, where a law enforcement or fire emergency does not exist. This definition shall include, but is not limited to, reports caused by improper or inadequate maintenance of the emergency alarm system or by the careless or negligent operation of or maintenance of the alarm system or by faulty equipment. This definition shall not include alarms triggered by verifiable external sources that are not identifiable at the time of the response but are determined through evidence to be an actual breach of the alarm system or external forces that are beyond the reasonable control of the system owner.

Law enforcement emergency alarm system and/or fire emergency alarm system or alarm system shall mean, any assembly of equipment or devices arranged to initiate a signal from a transmitting device to report any law enforcement emergency condition or any fire emergency condition.

Transmitting device shall mean an instrument, which sends a signal to a monitoring point indicating intrusion or fire into a given protected area.

User shall mean any person (said definition to include corporations, LLCs, partnerships, or business entity) that purchases, leases, contracts for, or otherwise obtains an alarm system.

- **False alarms prohibited.**

It shall be unlawful for the origination of a false alarm(s) from any single user having an alarm system or multiple alarm systems at a single location.

- **Enforcement responsibility.**

(A) The Oktibbeha County Sheriff Department or designated law enforcement department, law enforcement officers, and any other lawfully designated official or representative of the county including a designated fire department official shall have the primary duty and responsibility of enforcing the provisions of this article. Any officer of the law enforcement department, all other law enforcement officers, and any designated official or representative is fully authorized and empowered to enforce any and all of the provisions hereof.

(B) Any official or representative of the county, lawfully designated to enforce the provisions of this article, shall have the power and authority to issue summons and citations returnable to the justice court or to any other proper authority for violations of this article. Such summons and citations shall have the same full force and effect as is issued by the law enforcement department of the county for other law enforcement purposes. This section on penalties which follows also applies for purposes of enforcement responsibility.

(C) The law enforcement department or other designated official or representative of the county may develop and utilize such forms as may be required and necessary to implement this article, exercise the law enforcement powers of the county in ordinance enforcement and actively enforce this article.

- **Construction.**

Nothing in this article shall be construed to affect any suit or proceeding now pending in court, nor any rights acquired thereby, or liability incurred, nor any cause or causes of action now existing under any act or ordinance repealed hereby, conflicting herewith, or currently logged in the ordinances of Oktibbeha County. No right or remedy of any character shall be lost, impaired, or affected by this article.

- **Penalty.**

The failure or refusal of any person to comply with any provision of this article shall subject such person to a fine. Any subsequent false alarm over and above the three false alarms that occurs within the same calendar year that being from January 1 to December 31 may result in a fine or necessitate proof of remedial action. The fourth occurrence of a false alarm may impose a fine of (zero) \$0 dollars and a maximum of (five hundred) \$500.00 and or may be considered without imposition of a monetary fine if there is proof of remedial action taken to remove any defects or faulty equipment creating such malfunctions in the discretion of the Justice Court Judge. Any subsequent false alarm over and above four false alarms will result in a fine on a per incident basis for the remainder of the calendar year in the amount of minimum fine of (Two hundred and fifty) \$250.00 and a maximum of (one thousand) \$1000.00 per incident as adopted and published by the county and interpreted and implemented by the Justice Court of Oktibbeha County Mississippi.