

**FORSYTH COUNTY, GEORGIA
ORDINANCE NUMBER 79**

AN ORDINANCE AMENDING THE FIRE SAFETY AND PREVENTION ORDINANCE, OTHERWISE KNOWN AS FORSYTH COUNTY ORDINANCE 79, TO REVISE PROVISIONS REGARDING FALSE ALARMS; TO CLARIFY THE SCOPE OF APPLICABILITY OF PROVISIONS RELATED TO FALSE ALARMS; TO PROVIDE FOR NOTICE OF VIOLATIONS, WRITTEN WARNINGS, AND CITATIONS TO BE PROVIDED FOR FALSE ALARMS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; AND FOR OTHER PURPOSES.

WHEREAS, the Constitution of the State of Georgia, approved by the voters of the State in November 1982, and effective July 1, 1983, provides in Article IX, Section 2, Paragraph 1 thereof, that the governing authority of the County may adopt clearly reasonable ordinances, resolutions, and regulations;

WHEREAS, O.C.G.A. § 36-1-20 authorizes counties to enact ordinances for protecting and preserving the public health, safety and welfare of the population of the unincorporated areas of the county;

WHEREAS, in the interests of the health, safety, and general welfare of the citizens of Forsyth County, Georgia, the Board of Commissioners of Forsyth County desires to exercise its authority to amend its Fire Safety and Prevention Ordinance, otherwise known as Ordinance Number 79, which is codified in Article II of Chapter 38 of the Code of Forsyth County, Georgia to revise provisions regarding false alarms, to clarify the scope of applicability of provisions related to false alarms, to provide for notice of violations, written warnings, and citations to be provided to false alarms, to provide for severability, to repeal conflicting ordinances, and for other purposes.

WHEREAS, appropriate notice and hearing on the amendments contained herein have been carried out according to general and local law.

NOW, THEREFORE, the Board of Commissioners of Forsyth County, Georgia hereby ordains as follows:

Section 1.

The text of Section 38-46 of the Forsyth County Code of Ordinances is hereby replaced in its entirety by the text attached hereto as Exhibit A.

Section 2.

It is the express intent of the Forsyth County Board of Commissioners that this Ordinance be consistent with both federal and State law. If any provision of this Ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the Ordinance which can be given effect without the invalid

provision or application, and to this end the provisions of this Ordinance are declared severable;

Section 3.

All other ordinances shall continue in full force and effect and shall remain unaffected, except where such ordinance, or part thereof, conflicts herewith, in which case such ordinance, or part thereof, is hereby repealed.

Section 4.

This Ordinance shall become effective immediately upon approval.

BE IT RESOLVED this _____ day of _____, 2019.

[SIGNATURES ON FOLLOWING PAGE]

FORSYTH COUNTY BOARD OF COMMISSIONERS

Todd Levent, Chairman

Laura Semanson, Vice-Chairman

Dennis Brown, Secretary

Cindy J. Mills, Member

Ralph (Pete) Amos, Member

Attest:

Clerk to the Board

Exhibit A

Sec. 38-46. - Response to malfunctioning and/or false alarms.

(a) (a) — 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 context clearly indicates a different meaning:

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

Alarm user means, with respect to any premises, any individual, partnership, association, public or private corporation, governmental entity or other person or group 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.

False alarm means the transmittal of a request for response or assistance to the Forsyth County Fire Department under circumstances where no emergency warranting fire protection existed at the time of such transmittal, and where such transmittal is made either automatically by an alarm system or by an individual.

Premises means any structure or improvement to real property or any such structure or other improvement which is intended for separate use and occupancy apart from other portions thereof.

Responsible person means, with respect to any premises, any individual or entity which owns, leases, manages, or otherwise controls such premises, whether such ownership, leasing, management, or control is shared with other persons or entities and whether it is direct or indirect.

Transmit means to send either manually or automatically, by any device or method, a signal to request a response or assistance from the Forsyth County Fire Department.

(b) It shall be a violation of this article for anyone to transmit a false alarm.

(c) All false alarms to a premise within a four-hour period shall be considered as one violation. For the first two false alarms within a calendar year at any premises there shall be no penalty assessed and a written warning shall be provided. Written warnings for first and second false alarms shall be hand delivered or mailed to any responsible person, or posted on the door of the premises where the alleged violation occurred. Failure to make, deliver, mail, or receive any warning shall not affect any subsequent enforcement efforts or the penalty for any subsequent false alarm. The Forsyth County Fire Department shall issue a written warning, via personal service or certified mail, to the owner of record of the premises for the first two violations during a calendar year. Each subsequent malfunctioning or false alarm during a calendar year shall result in the following penalties:

(d) Penalties:

(1) For the third false alarm within a calendar year at a premises a fine of \$100.00 shall be imposed upon each responsible person charged and convicted, pursuant to O.C.G.A. § 36-1-20.

- (2) For the fourth false alarm within a calendar year at a premises a fine of \$250.00 shall be imposed upon each responsible person charged and convicted, pursuant to O.C.G.A. § 36-1-20.
- (3) For the fifth and each subsequent false alarm within a calendar year at a premises a fine of \$1,000.00 shall be imposed upon each responsible person charged and convicted, pursuant to O.C.G.A. § 36-1-20.
- (4) Pursuant to O.C.G.A. § 15-10-2(4), any person or entity violating or failing to comply with any of the provisions of this ordinance may be summoned to the Forsyth County Magistrate Court for each violation and/or noncompliance, and upon conviction, shall be punished as provided by law. However, prior to the issuance of any citation to any responsible person for a business violating the provisions of this ordinance, the Forsyth County Fire Department may first send a letter via certified mail to the general manager or owner of the business requesting that such individual, or his/her designee, meet with the Forsyth County Fire Department for service of the citation. If such individual or his/her designee does not meet with the Forsyth County Fire Department within ten (10) days of the date of the aforementioned letter, the Forsyth County Fire Department may serve any responsible person with a citation and summons to magistrate court. Failure to make, deliver, mail, or receive the letter referenced in this subsection shall not preclude any enforcement efforts or the penalty for any citation for a false alarm.
- (e) ~~(b)~~—If any alarm user alleges that an extraordinary or unusual circumstance led to their false alarm such that the false alarm should not be counted against them, and the false alarm is only their first or second false alarm for one calendar year, then an appeal may be instituted. The appeal shall be in writing to the Forsyth County Fire Marshal within five days of the false alarm. Upon notice of such appeal, the fire marshal shall issue a finding as to whether the false alarm warning shall stand.
- ~~(a)~~(f) This section shall have no application to alarms requesting assistance from the Forsyth County Sheriff's Office, which shall be governed by Section 50-31 et seq. of the Forsyth County Code of Ordinances.