

## AN ORDINANCE RELATING TO THE USE OF ALARM SYSTEMS

### Article 1.

#### Section 1.01 Purpose:

The Town Fire and Police Departments are responding to an inordinate number of false alarms. In many instances there are repeated false alarms from the same source. Not only is responding to false alarms costly for the Town, but it hinders the availability of the Departments to respond to real alarms. Therefore, false alarms are hereby declared to be a public nuisance. This civil ordinance is adopted pursuant to 24 V.S.A. § 2291 (14), (15) and in the interests of the public health, safety and welfare of the Town of Williston.

#### Section 1.02 Definitions

##### (a) False Alarm

For the purpose of this Ordinance, the term "false alarm" shall mean the activation of a police or fire alarm by other than what is determined to be a legitimate emergency. Examples include but are not limited to: alarms activated through: inadvertence, negligence, accident, testing without prior notification, faulty installation, improper equipment or maintenance, or alarms intentionally activated for purposes other than for a legitimate emergency.

##### (b) Alarm System

Any assembly or equipment, mechanism or device that is used in a building or on premises for the detection of burglary, unauthorized entry, or any other criminal activity, or fire, which is designed to transmit to any receiving station a signal, message or warning or other indication of an occurrence requiring a police, and/or fire department response.

#### Section 1.03 Alarm Registration

Within one year from the date this Ordinance becomes effective, Any alarm system user who operates or maintains an alarm system within the Town of Williston, shall provide the Town, with a contact card, on a form prescribed by the Town, containing the location of the premises, type of alarm, name, address and telephone number of the alarm company and the name and telephone number of at least three persons who can be notified to secure the premises during any hour of the day or night and any other pertinent information.

The alarm system user shall notify the Town, in writing, of any changes to their alarm registration information, within five days from the date the change becomes effective.

#### Section 1.04 Prohibited Alarms

It shall be unlawful to install, operate, or maintain an alarm system that transmits via telephone line directly to the police or fire station, a pre-recorded message requesting a response by either of those departments. The owner or lessee of any such alarm system or device shall disconnect or have disconnected such system or device on or before ninety days from the effective date of this Ordinance.

#### Section 1.05 Waiver Fees

For a Fire or Police Department response to any false alarms (as defined in Section 1.02 above) the Town may charge and collect from the person having or maintaining such fire alarm on premises owned or occupied by him/her, waiver fees as follows:

(a) False Alarms

(i) First Response

For a response to premises at which no other false alarm (as defined in Section 1.02 above) has occurred within the preceding twelve (12) month period, hereinafter referred to as a “first response”, no fee shall be charged, but the Fire or Police Department will inspect the alarm system and ascertain the cause of the false alarm and notify the person having or maintaining such alarm system of any corrective action which must be taken. Within three (3) days after such notice, the person having or maintaining the alarm system shall make a written report to the chief of the appropriate department certifying that the corrective action has been taken.

(ii) Subsequent Response(s) - Fire Department

For a second response to a false alarm to premises within twelve (12) months after the first response, a waiver fee of \$100.00 may be charged and for each succeeding response thereafter within twelve (12) months of the first response, a waiver fee of \$200.00 may be charged.

(iii) Subsequent Response(s) - Police Department

For a second response to a false alarm to premises within twelve (12) months after the first response, a waiver fee of \$50.00 may be charged and for each succeeding response thereafter within twelve

(12) months of the first response, a waiver fee of \$100.00 may be charged.

(b) Failure to Report

A waiver fee of \$25.00 will be charged if the required corrective action report is made after the allowed time period in accordance with Section 1.05(a)(i) above

(c) Failure to Register

A waiver fee of \$25 will be assessed for each alarm, whether or not it is false or an actual emergency, if the alarm is not registered in accordance with Section 1.03 above, or if the information on the required registration form is out of date.

(d) Payment Deadline

All fees must be paid within ten (10) days of receipt of notice. If fees are paid after the ten days an additional fee of \$10.00 will be charged.

(e) Use of Prohibited Alarm

If the Police or Fire Department is called to respond through the use of a prohibited alarm as defined in Section 1.04 above, a waiver fee of \$50 will be charged in addition to the fees provided for in Section 1.05(a) above, regardless of whether or not the call was false.

Section 1.06 Violations or Failures to Comply

A violation of this Ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. § 1974a and § 1977 *et seq.* Anyone convicted of a violation or failure to comply with any of the provisions of this Ordinance, including the failure to make a required report or to pay any fee, may be subject to a civil penalty of not more than \$500 in addition to the waiver fees outlined in Section 1.05 above. Each day a violation continues shall constitute a separate offense.

Section 1.07 Appeals of Fees

(a) Initial Administrative Appeal

An Alarm System User shall have the right to appeal any waiver fee to the Police Chief, if the alarm called for response by the Police Department, or to the Fire Chief, if the Alarm called for response by the

Fire Department. An appeal must be filed within 14 days of receipt of the fee or violation notice. The decision of the Police Chief or Fire Chief may be appealed to the Williston Selectboard within 10 days of receipt of the Chief's decision. In the event such appeal is not satisfactorily resolved before the Selectboard, civil enforcement proceedings may be brought by the Town pursuant to 24 V.S.A. § 1974(a).

(b) Enforcement Before the Judicial Bureau

In the event an Alarm System User violates this Ordinance and fails to either pay the waiver fee or to take an appeal as hereinabove described, civil enforcement proceedings may be brought pursuant to 24 V.S.A. § 1974(a).

Section 1.08 Liability Limit

The Town's regulation of alarm systems shall not constitute acceptance by the Town for any liability to maintain any equipment, to answer alarms or to take any action in connection therewith.

Section 1.09 Severance Clause

If any section, sentence, or phrase of this Ordinance shall for any reason be held invalid or unconstitutional by a decree or decision of any court of competent jurisdiction, such decree or decision shall not Affect or impair the validity of any other section or remaining portion of this Ordinance.

Section 1.10 Adoption

This Ordinance supercedes the Ordinance adopted September 27, 1990 as amended May 14, 1992. This Ordinance shall take effect sixty (60) days from its adoption.

APPROVED: September 27, 1990

AMENDED: May 14, 1992

AMENDED: January 10, 2002