

TOWN OF WARREN  
PUBLIC ORDINANCE WARNED HEARING

There will be public meeting at the Warren Selectboard regular Meeting on September 22<sup>nd</sup>, 2015 at 7:00 PM, at the Warren Municipal Building to discuss and take comment on this ordinance for adoption.

**AN ORDINANCE RELATING TO THE USE OF ALARM SYSTEMS**

**Section 1.01 Purpose:**

The Warren Fire Department (the "WFD") is 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 WFD 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 Warren.

**Section 1.02 Definitions**

**(a) False Alarm**

For the purpose of this Ordinance, the term "false alarm" shall mean the activation of a fire alarm by/for 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**

For the purpose of this Ordinance, the term "alarm system" shall mean any assembly or equipment, mechanism or device that is used in a building or on premises for the detection of fire, which is designed to transmit to any fire alarm signaling monitoring company a message or warning or other indication of an occurrence requiring a fire department response.

**(c) Fire alarm signaling monitoring company**

For the purpose of this Ordinance, the term "fire alarm signaling monitoring company" shall mean a station or building located remote from the protected premises where fire alarm signals from one or more protected premises are received and from where, upon receipt of such signal, a dispatch center is notified.

**Section 1.03 Alarm Registration**

Within 30 days from the date this Ordinance becomes effective, any alarm system user who operates or maintains an alarm system within the Town of Warren, 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.

In the case of condominium associations, in addition to the above, each such association needs to provide the name, address and telephone number of at least one property manager employed by the association.

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 prerecorded message requesting a response by the WFD. 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 Fire alarm signaling monitoring companies.**

- (a) All fire alarm signaling monitoring companies are responsible for directing the call reporting the fire alarm signal to the appropriate dispatch center, and for providing the dispatch center and/or the WFD with accurate and complete contact and location information.
- (b) All fire alarm signaling monitoring companies shall maintain a current contact list of 3 representatives or designees of the owners of which 1 will respond to the premises within 30 minutes to assist the fire department in gaining access to the building. The fire alarm signaling monitoring company shall have current contact information for each such representative or designee of the alarm system user. The contact list must be updated on an annual basis.
- (c) A waiver fee of \$100 will be charged if an alarm system user fails to provide either a minimum of 3 representatives or designees who can respond within 30 minutes or an on-site lock box approved by the Warren Fire Department. (e) A waiver fee of \$100 will be charged to an alarm system user each time a fire alarm signaling monitoring company utilized by such alarm system user violates a provision of this section.

**Section 1.06 Waiver Fees**

For a WFD response to any false alarm (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. Within seven (7) days after such notice, the person having or maintaining the alarm system shall make a written report to the [ ] of the Town of Warren certifying that the corrective action has been taken.

**(ii) Subsequent Response(s)**

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.

**(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 \$100 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 may be charged.

**(e) Use of Prohibited Alarm**

If the 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 1.07 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 1.08 Appeals of Fees**

**(a) Initial Administrative Appeal**

An Alarm System User shall have the right to appeal any waiver fee to the Town of Warren Select Board. An appeal must be filed within 14 days of receipt of the fee or violation notice. Appeals will be heard at a warned, regularly scheduled meeting of the Select Board on a date to be determined by the Select Board. Once an appeal of a violation has been properly filed with the Town of Warren, no further fees for that violation will be assessed until such time as the appeal has been heard. However, any subsequent false alarms during the appeal period may incur additional fees. In the event such appeal is not satisfactorily resolved before the Select Board, 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 1.09 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 1.10 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 1.11 Adoption**

This Ordinance shall take effect sixty (60) days from its adoption. Copies available on the line at [www.warrenvt.org](http://www.warrenvt.org), on request and at the Town Clerk's office from 9:00-4:30 PM.

Warren Select Board:

Andrew Cunningham, Chair

Bob Ackland, Vice Chair

Luke Youmell

Randy Graves

Henry Mays