

# Alarm Systems Ordinance



Town of York, Maine

**Most Recently Amended: May 18, 2019**

Prior Dates of Amendment:

**Date of Original Enactment: November 8, 2016**

## ENACTMENT BY THE LEGISLATIVE BODY

Date of the vote to enact/amend this Ordinance: May 18, 2019

Certified by the Town Clerk: May-Anne Stenhouse on 5/21/19

(signature) (date)

# **Town of York**

## **Alarm Systems Ordinance**

### **I. Purpose.**

This ordinance recognizes the need for the regulation of the installation and use of Alarm Systems in order to ensure compatibility of equipment with the facilities of the Town of York Communications Center, to avoid use of improper equipment, ensure adequate installation of equipment, to minimize false alarms and to compensate for the inappropriate use of municipal resources in response to false alarms, and to clarify the rights and responsibilities of the property owner and of the Town.

### **II. Definitions.**

As used herein, the following definitions shall apply:

- a. **Alarm System:** any mechanism, equipment or device designed to automatically transmit a signal, message or warning indicating fire, burglary, health emergency or like need for public safety assistance, from any mode, telephone, dialer, private third party monitors, Municipal Fire Alarm etc., directly or indirectly to the York Communications Center.
- b. **Appropriate Departments:** the Fire Department for fire or rescue alarms and the Police Department for alarms of unlawful entry, theft or other criminal activity.
- c. **Appropriate Chief:** the Chief of the Appropriate Department.
- d. **Center:** the Communications Center for the Town of York.
- e. **Non-emergency Alarm:** any alarm transmitted to the Center when there is no actual emergency or no other circumstances requiring a response from the appropriate department; it shall include, but shall not be limited to, false alarms caused by malfunctioning equipment, accidental or negligent activation of the alarm, or improperly monitored equipment.

### **III. Permit Required.**

No person shall install, operate, maintain, alter, or replace an Alarm System within the Town of York after July 1, 2016, without holding an effective permit from the Center. Upon receipt of the completed application, the Center will issue a permit to the owner. Owners of premises served by an existing Alarm System as of July 1, 2016 shall have until July 1, 2017 to obtain a permit.

### **IV. Application Procedure.**

Applications for an Alarm System permit shall be made to the Center by the owner of the premises to be protected or by the owner's authorized agent upon forms prepared by the Town, accompanied by a signed, dated receipt acknowledging that the owner or owner's authorized agent has received a copy of this ordinance and is aware of its terms.

The application form shall contain the name, telephone number and address of the owner of the premises to be protected along with the designated agent and of the proposed installer of the Alarm System. The proposed installer must have the capacity to maintain and service such Alarm System. The application form shall also contain a description of the principal use of the premises to be protected, a description of the proposed system and, in case of the Fire Department, the location of its installation [except that said location shall not be required for single family or two family homes], and such other data as the Appropriate Chief may reasonably require in order to ensure the use of proper equipment when responding to and combating a fire or other emergency.

The Center shall issue a permit upon receipt of a fully completed application form.

### **V. Prohibited Systems.**

No system shall be permitted that automatically calls the Communication Center telephone lines with an automated message, each alarm shall be reported individually, and by a person that can answer questions posed by a Communications Specialist. No system shall be permitted which uses a constant signal for one type of alarm and a pulsating signal for another.

### **VI. Alarm Response.**

The property owner or their designated agent, as kept on file at the Center, shall respond to each alarm at the request of the Appropriate Department for the purpose of securing the premises.

## **VII. False Alarms.**

Any property owner whose alarm system causes the transmittal of a Non-emergency Alarm more than four (4) times in a 365 day period, after a 30-day start-up period for new installations, may be issued a summons for said violation. Each violation is a separate offense. The Chief of the Appropriate Department shall give suitable written warning to any permit holder, or to their designated agent, whose alarm system sends a fourth non-emergency alarm in any consecutive 365 day period by registered mail. In the event an alarm is activated as a result of a natural or unnatural event beyond the property owner's control (i.e. disruption of electrical service due to storm, motor vehicle accident, and the like), no fee shall be imposed per the discretion of the Chief of the Appropriate Department.

## **VIII. Permit Revocation.**

The Chief of the Appropriate Department may revoke the permit for any Alarm System in the event that:

- a. Payment of any penalty fee is not made within sixty (60) days after the due date;
- b. Any deficiency therein reported to the owner is not corrected within 48 hours, or such extended time as the Chief of the Appropriate Department may permit;
- c. Such Alarm System causes the transmittal of more than 3 non-emergency alarms in any 24-hour period, or more than 6 non-emergency alarms in any 7-day period, or otherwise interferes with the orderly operation of the Center;
- d. Any data provided in the application form for such system is found to have been willfully falsified or due to gross negligence of the applicant; and
- e. Failure to make reasonable notification of changes to existing pertinent information contained within the permit application.

No revocation shall become effective until the Chief of the Appropriate Department has given the permit holder, or their designated agent, actual notice of the reason for the revocation and reasonable opportunity to dispute the revocation by registered mail.

## **IX. Appeal.**

In the event of the refusal to issue or the revocation of any permit hereunder, the applicant may appeal to the Board of Selectmen or their designee within twelve (12) business days after the actual notice of such decision is given to the applicant or their designated agent. The Board of Selectmen or their designee may affirm, modify or rescind such decision, and their action thereon shall be final and conclusive without right of further appeal.

## **X. Violations.**

In addition to the foregoing grounds for revocation, the following events shall each constitute a violation of this ordinance.

- a. The installation, operation, maintenance, alteration, or replacement of an Alarm System in the absence of an effective permit;
- b. The falsification of any data provided on an application form for an Alarm System done willfully or through gross negligence;
- c. The release of any information concerning an Alarm System to someone not associated with the maintenance or operation of the system or with the enforcement of this ordinance.

## **XI. Notice of Violation.**

Any person who violates any provision of this ordinance shall be subject to a civil penalty of \$100.00 for the first offense, \$150.00 for the second offense, and \$250.00 for the third and subsequent offenses.

## **XII. Waiver / Payment of Fines.**

Any person charged with a violation of this section, shall be allowed to waive such violation and tender to the Town of York the fine amount if paid within 20 days of issuance of the summons. If the waiver fine is paid, no appearance before a District Court Judge or other judicial officer shall be required. If the offender pays the waiver fine, the matter will be closed in the York Police Records system and listed as a subsequent offense for future violations.

If the offender chooses not to pay the waiver fine he/she shall appear in court on the specified date to answer for the ordinance violation. If the offender is found to

have committed the offense in court; fines, applicable court fees, attorney's fees, and prosecution costs may apply.

### **XIII. Government Immunity.**

Alarm registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an alarm registration, the alarm user acknowledges that the emergency response may be influenced by factors such as: the availability of Emergency Medical Assistance (EMA), priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

### **XIV: Severability**

The provisions of this ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any person or circumstance is invalid, the remaining provisions and the application of those provisions to other persons or circumstances are not affected by that decision.