

Town of EAST WINDSOR

The following ordinance was adopted at a Special Town Meeting duly warned and held on April 28, 2005.

"Ordinance Regulating Alarm Systems"

I. PREAMBLE:

It has been determined that the number of false alarms being made to the Police and Fire Department hinders the efficiency of those departments, lowers the morale of Department personnel, is a sound nuisance to neighbors, constitutes a danger to the general public during responses to false alarms, endangers the safety of responders, and jeopardizes life and property. This ordinance is intended to reduce the number of false alarms and promote the responsible use of alarm devices in the Town of East Windsor.

II. PURPOSE:

- A. The purpose of this ordinance is to encourage alarm users and alarm companies to properly use and maintain the operational effectiveness of alarm systems in order to improve the reliability of alarm systems and to reduce and/or eliminate false alarms.
- B. To provide uniform standards of control and regulations applicable to burglary, robbery (hold-up), panic, fire systems, medical alarms, and all other alarm system activations intended to summon a Town of East Windsor emergency department response. This ordinance governs these types of alarms and alarm users in East Windsor and will require permits, establish fees and surcharges, provide for penalties for violations, establish a system of administration, and set conditions for suspension of response or revocation of registration and/or permit.

III. DEFINITIONS:

- A. **Alarm Administrator** means a person or persons designated by the Chief of Police to administer, control, and enforce the provisions of this ordinance.

- B. **Alarm Dispatch Request** means a notification to a town emergency department that an alarm, either manual or automatic, has been activated at a particular alarm site.
- C. **Alarm Installation Company** means a person or company in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving, upgrading, and/or installing an alarm system at an alarm site.
- D. **Alarm Registration/Permit** means authorization granted by the alarm administrator to an alarm user to operate an alarm system in the Town of East Windsor.
- E. **Alarm Site** means a single fixed premise or location served by an alarm system or systems. Each unit, if served by a separate alarm system in a multi-unit building, business, residential dwelling, or complex shall be considered a separate alarm site.
- F. **Alarm System** means an assembly of equipment and/or devices, including but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual, or electronic signal (including silent) indicating an alarm condition and intended to summon a Police Department response, including local alarm systems. Alarm system does not include smoke detectors, which do not signal outside of the alarmed premises. Alarm system does not include an alarm installed in a motor vehicle or on someone's person unless the vehicle or personal alarm is permanently located at a site.
- G. **Alarm User** means any person (s), firm, business, corporation, club or any other entity occupying or having control over an alarm site who (which) has contracted for monitoring, repair, installation, or maintenance service from an alarm installation company or monitoring company for an alarm system, or who (which) owns, controls, or operates an alarm system which is not monitored, maintained, or repaired under contract.

- H. **Automatic Telephone Dialing Alarm** means an alarm system which automatically sends over regular telephone lines a pre-recorded voice message or coded signal indicating the existence of the emergency situation the alarm system is designed to detect.
- I. **Burglar Alarm** refers to an alarm system signaling an entry or attempted entry into the area protected by the alarm system.
- J. **Cancellation** means the process where response is terminated when a monitoring company (designated by the alarm user) for the alarm site notifies the responding agency that there is not an existing situation at the alarm site requiring response after an alarm dispatch request.
- K. **Duress Alarm** means a silent alarm system signal generated by the entry of a designated code into an arming station in order to signal that the alarm user is being forced to turn off the system and requires police response.
- L. **False Alarm** means an alarm dispatch request to the police department when the responding police officer (s) find no evidence of a criminal offense, attempted criminal offense, or emergency situation after having completed a timely investigation of the alarm site.
- M. **Hold Up Alarm System** refers to an alarm system signaling police of a robbery or attempted robbery.
- N. **Key Holder** means any person(s) holding by permission of the user, the key or keys necessary to gain ingress or egress from the site of the alarm system.
- O. **Local Alarm** refers to an alarm system that, when activated, causes an audible or flashing light(s) to be heard or seen to signify a problem on the premises.
- P. **Monitoring** means the process by which a monitoring company receives signals from an alarm system and relays an alarm dispatch request to the Police Department for the purpose of summoning police to the alarm site.

- Q. **Monitoring company** means a person (s) in the business of providing monitoring services.
- R. **Panic Alarm** means an audible alarm system signal generated by the manual activation by the alarm user of an alarm device intended to signal a life threatening or emergency situation requiring police response.
- S. **Person** means an individual, corporation, partnership, association, organization, or similar entity.
- T. **Verify** means an attempt made by the alarm monitoring company, or its representative (s), to contact the alarm site and/or the alarm user by telephone and/or another electronic means, whether or not actual contact with a person (s) is made, to determine whether an alarm signal is valid before requesting police dispatch to the alarm site in an attempt to avoid an unnecessary alarm dispatch request. For the purposes of this ordinance, telephone verification shall require, as a minimum, that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves to determine whether an alarm signal is valid before requesting police dispatch.

IV. ALARM SIGNAL CLASSIFICATIONS:

- A. Avoidable Alarm Signal: A signal transmitted to the emergency response authority and necessitation of a response by them which can be definitely classified as resulting from one of the following causes:
1. Intentional hold-up alarm system activation by the alarm user or persons under his/her direct or indirect control with the intent to summon the police department where no threat of hold-up is present.
 2. Intentional burglar alarm system activation by the alarm user or person (s) under his/her direct or indirect control with the intent to summon the police department where no threat of burglary is present.

3. Negligent activation of a burglar alarm by the alarm user or person (s) under his/her direct or indirect control where no threat of burglary is present.
 4. Negligent activation of a hold-up alarm system by the alarm user or person(s) under his/her direct or indirect control when no threat of a hold-up is present.
 5. Alarm system malfunction. Activation of the alarm system caused by a defect in the alarm equipment or by improper maintenance or care.
 6. Testing of the alarm system by the alarm user or person(s) under his/her direct or indirect control without prior notice to the alarm monitoring facility and the police department is prohibited.
- B. Avoidable alarm signals determined to be false count toward fines, sanctions, penalties, suspensions, and/or surcharges imposed in accordance with this ordinance.
- C. Unavoidable alarm signal: An emergency signal transmitted to the emergency response authority and necessitating a response by them which can definitely be classified as resulting from one of the following causes:
1. Acts of God, severe storm, flood, prolonged power outage.
 2. Telephone line malfunction.
 3. Attempted break-in.
 4. Actual break-in.
 5. Fire and/or smoke.
 6. Medical emergency.
 7. Suspicious or unauthorized activity.
 8. An actual emergency as determined by a timely police investigation.

V. REGISTRATION:

- A. No person shall install or operate an alarm system within the Town of East Windsor until a permit authorizing the installation and the Chief of Police has issued operation of

said alarm system. This permit shall be issued after the explicit requirements of this alarm ordinance are met.

1. Each user of an existing alarm system or device shall register with the Chief of Police within sixty (60) days of the effective date of this ordinance. Any alarm system installed after the effective date shall be registered with the Chief of Police within thirty (30) days following installation.
 2. Such registration shall be renewed on an annual basis by September 1st of each year provided that any new registration, which is filed pursuant to A.1.above on or before July 1st of any calendar year, shall not be renewed until September first of the following calendar year.
- B. The alarm user shall pay an initial registration fee of fifteen dollars (\$15.00), and a yearly renewal fee of ten dollars (\$10.00). If during the proceeding twelve months of registration, an alarm user has no false alarms, he/she shall have the ten-dollar (\$10.00) fee waived for the following year.
- C. Such registration shall set forth, but not be limited to, the name, address, and telephone number o the alarm installation company, monitoring company, and the alarm user on whose premises the system is installed, as well as a description of the alarm system present at the site.
1. Such registration shall also set forth the names, addresses, and telephone numbers of key holders who may gain entry to the premises having the alarm device.
 2. Each alarm user shall be required to supply a minimum of two (2) key holders to the premises.
- D. Each monitoring company shall register within thirty (30) days of the effective date of this ordinance with the Police Department. Any monitoring company created after the effective date of this ordinance shall register prior to the transmission of any signals to an emergency service in East Windsor.

- E. An alarm permit cannot be transferred to another person or alarm site. A permit holder shall inform the Alarm Administrator of any change that alters any information listed on the permit application within two business days of said change.
 - 1. Its is the responsibility of the alarm user to update any changes to the registration; this is to include changes to the active key holder information.
 - 2. There will be no fee assessed for such changes.
- F. Alarm system registration and permit issuance shall be accomplished by completing the required forms administered by the East Windsor Police Department. All required forms will be available at the Town Hall Building Department and the Police Station.
- G. The Office of the Chief of Police reserves the right to deny a registration or renewal on the grounds of a faulty alarm system. Proof of repair will be required to reinstate the registration. All alarm systems will meet the minimum requirements for "The American National Standards Institute".
- H. Any knowingly false statement made by an applicant for the purpose of obtaining an alarm registration and/or permit shall be sufficient cause for refusal to issue a registration.
- I. All fees and surcharges owed by an applicant must be paid before an alarm registration may be issued or renewed.
- J. The fee for an alarm registration or an alarm registration renewal is set forth in this ordinance, and shall be paid by the alarm user. No refund, in full or partial amounts, of a registration or registration renewal fee will be made.

VI. DUTIES OF ALARM USERS:

- A. An alarm user shall:

1. Maintain the alarm site and system in a manner that will minimize or eliminate false alarms;
 2. Make every reasonable effort to have a responder or key holder come to the alarm system's location within 20 minutes when requested by the East Windsor Police Department in order to:
 - a. Deactivate the alarm;
 - b. Provide access to the alarm site; and/or
 - c. Provide alternative security for the alarm site.
 3. Not activate an alarm system for any reason other than an occurrence of an event that the alarm system was intended to report.
 4. To provide the East Windsor Police Department during the alarm registration process a list of any potentially hazardous conditions that may be present at the alarm site. An example would be aggressive pets.
- B. An alarm user shall have an Alarm Installation Company inspect the alarm system after two (2) false alarms in a twelve-month period. The East Windsor Police Department Alarm Administrator may waive a required inspection if it is determined that a false alarm (s) could not have been related to a defect or malfunction within the alarm system. After four (4) false alarms within a twelve-month period, the alarm user must have an alarm installation company modify the alarm system to be more false alarm resistant or provide additional training as appropriate.
- C. All alarm users shall agree with their Alarm Installation Company or Monitoring Company to go through an "acclimation period" for the first seven (7) days after installation of an alarm system. During this learning or grace period the alarm company will not respond to any alarm signals or make an alarm dispatch request to the Police Department.
- D. Maintain at each alarm site a set of written operating instructions for each alarm system.

VII. EXTERNAL AUDIBLE TIMING DEVICES:

- A. Except as otherwise provided by law, no alarm device, which produces an exterior audible sound, shall be installed unless its operation is automatically deactivated after no more than 15 minutes of operation.
- B. Within sixty-(60) days from the effective date of this ordinance, pre-existing alarm systems which produce audible sound shall be retrofitted so that they are automatically deactivated after no more than fifteen (15) minutes of operation.

VIII. AUXILIARY POWER:

- A. All alarm systems installed after the effective date of this ordinance shall have their own auxiliary power source, which shall be maintained in working order.

IX. PENALTIES:

- A. It shall be the responsibility of the East Windsor Police Department alarm administrator to monitor and keep records of alarms received. In order to discourage false alarms and reduce the risk of liability during responses to false alarms, the following schedule shall be set forth:
 - 1. A warning letter will be sent to the registered user after the third false alarm is received during a 12-month period. This letter will inform the user that a fine will result upon the fourth false alarm being received during a 12-month period.
 - 2. For the fourth false alarm in the course of a twelve-month period, the alarm user shall be fined fifty dollars (\$50.00). The fine for the fourth false alarm may be waived if the violator voluntarily attends a one (1) hour seminar given by the East Windsor Police Department regarding alarm reduction & safety.
 - 3. For the fifth to eighth false alarms received during a 12-month period, the alarm user shall be fined one hundred dollars (\$100.00) per false alarm.

4. For the ninth to twelfth false alarms received during a twelve-month period, the alarm user shall be fined two hundred dollars (\$200.00) per false alarm.
 5. For the thirteenth and any subsequent false alarm received during a 12-month period, the alarm registration will be terminated and all permit fees forfeited. The alarm user may also be charged with Breach of Peace.
- B. Any alarm user fined according to the above schedule, shall have 30 days to remit payment.
1. If the alarm user fails to pay within the allotted 30 days, the levied fine will include a one hundred dollar (\$100) fine.
 2. Continued failure to pay the fine may result in an Infraction (State/Court ticket) being issued to the alarm user for failure to comply with a town ordinance.
 3. Alarm users deemed to be not in compliance with levied fines, may be notified by certified letter that the police department will not respond to further alarms at their locations until their fines are paid in full.

X. APPEAL:

- A. Whenever a charge for a false alarm is imposed against the user, said user might within ten (10) days of imposition appeal the charge by filing a written notice of appeal with the Alarm Administrator. A hearing will be scheduled within thirty-(30) days of receipt of the written appeal.
- B. All hearings shall be conducted in accordance with the provisions of the Connecticut General Statutes, Section 7-152C as amended.
- C. Failure of the person filing an appeal to appear on the prescribed hearing date after having been notified by

certified letter will automatically be found guilty and the fines imposed. In this circumstance, a service charge of twenty-five dollars (\$25.00) for hearing costs will be imposed.

XI. APPEAL REVIEW BOARD:

- A. The Appeal Review Board shall consist of three (3) people.
- B. Any hearings shall be presided over by the Chairman of the Appeal Review Board. The Chairman shall be the designated Alarm Administrator for the Police Department. Two hearing officers (citizens of East Windsor) are to serve on the Appeal Review Board and will be appointed by and serve at the pleasure of the First Selectmen. The alarm administrator or Chief's designee may present the facts of the case on behalf of the Town and Police Department.
 - 1. Police Department Administrator designated by the Chief of Police at the rank of Sergeant or higher (Chairman).
 - 2. Hearing Office (Citizen of the town).
 - 3. Hearing Officer (Citizen of the town).

XII. AUTOMATIC DIALERS:

- A. Automatic dialing devices coming directly into the communications center of the East Windsor Police Department are prohibited in the Town of East Windsor.

XIII. VIOLATIONS:

- A. Any person who performs, or causes to be performed, any of the following acts may be subject to a penalty of one hundred dollars (\$100.00) for each such act.
 - 1. Failure to register an alarm device as required by this ordinance.
 - 2. Use of an automatic dial alarm device or an exterior audible alarm device in violation of the provisions of this alarm ordinance.

3. Failure to install or maintain an auxiliary power source for an alarm system, mechanism, or device as mandated by this alarm ordinance.
 4. Failure to make payment on fines within thirty-(30) Days. This penalty is in addition to the original fine.
- B. Any technician who performs or causes to be performed a false fire sprinkler and/or fire alarm shall be fined \$300.

XIV. SURCHARGES:

- A. If cancellation occurs prior to law enforcement arriving on the scene, this is not a false alarm for the purpose of penalties or surcharges, and no charge will be assessed.
- B. Any alarm installation company and/or repair company shall be assessed a surcharge of three hundred dollars (\$300.00) if the officer responding to the false alarm determines that an on-site employee of the alarm company/repair company directly caused the false alarm. In this situation, the false alarm will not be counted against the alarm user.
- C. Alarm monitoring companies shall verify every alarm signal except duress or hold-up alarm activation before requesting a Police Department response to an alarm system signal. The alarm monitoring company shall be issued a surcharge of one hundred dollars (\$100.00) for each failure to verify alarm system signals.
- D. The Alarm Installation Company shall be issued a surcharge of two hundred dollars (\$200.00) if the East Windsor Police Department Alarm Administrator determines that an Alarm Installation Company, employee, or person (s) knowingly made a false statement concerning the inspection of an alarm site or the performance of an alarm system or device.

XV. NOTIFICATION AND RESPONSE

- A. The Alarm Administrator shall notify all alarm users of the right to appeal under this ordinance for any penalties and/or surcharges imposed.

- B. After the twelfth false alarm received during a twelve-month period by the East Windsor Police Department to an alarm site or system, response may be suspended.
 - 1. This excludes suspending response to duress, hold-up, or panic alarms.
 - 2. After response to a site is suspended, police will still respond if any confirmation or corroborating information is received indicating the alarm may be an actual emergency.
- C. The Alarm Administrator will make notification to alarm users and monitoring companies prior to a suspension of response being imposed.

XVI. DISCLAIMER:

- A. Except as expressly provided herein, the Town of East Windsor, its departments, officers, agents, and/or employees shall be under no obligation whatsoever concerning the adequacy, operation, or maintenance of any alarm system or for alarm monitoring facilities. No liability whatsoever is assumed for the failure of such alarm systems or monitoring facilities or for failure to respond to alarm signals or for any other act or omission in connection with such alarm systems. Each alarm user shall be deemed to hold and save harmless the town, its departments, officers, agents, and employees from liability in connection with the user's alarm device.

XVII. EXCEPTIONS:

- A. The provisions of this ordinance shall not apply to alarms owned or used by the Town of East Windsor or any of its departments or agencies including the Board of Education, the State of Connecticut, or the United States of America.

XVIII. SEVERABILITY:

- A. If any parts of this ordinance are for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

Said Ordinance shall become effective fifteen (15) days from publication thereof.

Ord. 05-01

Attest: /s/ Karen W. Gaudreau
Karen W. Gaudreau CMC, CCTC
Town Clerk of

East Windsor
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