

# WILMINGTON FALSE ALARM ORDINANCE of 2001

<b>Section 1</b>	<b>Statement of Purpose</b>
<b>Section 2</b>	<b>Statutory Authority</b>
<b>Section 3</b>	<b>Definitions</b>
<b>Section 4</b>	<b>Person Responsible for False Alarms</b>
<b>Section 5</b>	<b>Civil Designation</b>
<b>Section 6</b>	<b>Registration of Alarm Systems</b>
<b>Section 7</b>	<b>Penalties</b>
<b>Section 8</b>	<b>Liability of Town of Wilmington</b>
<b>Section 9</b>	<b>Exception</b>
<b>Section 10</b>	<b>Severability</b>
<b>Section 11</b>	<b>Publication and Posting</b>
<b>Section 12</b>	<b>Information</b>
<b>Section 13</b>	<b>Right to Petition</b>
<b>Section 14</b>	<b>Adoption/Effective Date</b>

## *Section 1 – Purpose of Ordinance*

This ordinance is enacted to encourage responsible use of burglar alarms by those protected by automatic electronic alarm systems. Responsible use includes maintaining equipment so that it is not susceptible to false alarms by system failure. A power outage does not constitute a system failure.

The Chief of Police of the Town of Wilmington has indicated that human error or mechanical malfunctions of criminal detection, burglar, and fire alarms in the Town of Wilmington has resulted in a significant number of false alarms being signaled to which the Police Department must respond.

The emergency response to each false alarm requires the deployment of personnel and vehicles to non-emergency situations and effectively removes that personnel and equipment from the designated service of protecting life and properties and causes unnecessary expenditure of public funds.

Reasonable regulation of the alarms should result in the significant decrease in false alarms, savings of public resources, abatement of a public nuisance, and enhance the public health, safety, and welfare.

## *Section 2 – Statutory Authority*

This Ordinance has been promulgated under the authority granted the Town’s Legislative Body by 24 VSA 1971 and 2291, (14), (15).

## *Section 3 - Definitions*

**3.1 Alarm System:** Any mechanism or device that is used in a building or premises for the detection of burglary or unauthorized entry and which is designed to transmit to a receiving station a signal, message, warning, or other indication of an occurrence requiring a police officer response.

**3.2 Alarm System User:** Any person, partnership, firm, association, or any other entity in control of any building, structure, premises, or facility where an alarm system is installed, operated or maintained.

**3.3 Audible on-Site Alarms:** Audible on-site alarms which may be heard in any public place. shall be equipped and maintained to shut off automatically no longer than fifteen (15) minutes after being

activated. A penalty shall be assessed for any audible false alarm or audible alarm that does not shut off automatically within fifteen (15) minutes after being activated.

**3.4 Chief:** The Chief of the Wilmington Police Department.

**3.5. Department:** The Wilmington Police Department or any other agency providing public safety services to the Town of Wilmington.

**3.6 False Alarm:** For the purpose of assessing a penalty, a false alarm is defined as the notification given to the Wilmington Police Department by electronic or telephonic means that an emergency exists, when an emergency or other circumstance that could be perceived as an emergency does not exist, and for which the Wilmington Police have responded. Examples of false alarms include; but are not limited to the following

- a) Alarms activated through inadvertence by the alarm user or persons authorized to use or maintain the residence
- b) Negligence
- c) Accident
- d) Alarm Testing without prior notification to the police department
- e) Faulty installation or maintenance.
- f) Improper or unsuited equipment
- g) Equipment malfunction

***Section 4 - Person responsible for false alarms:***

An alarm system user shall be responsible for false alarms generated by their system or devices.

***Section 5 - Civil Designation***

A violation of this Ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. Sections 1974 a and 1977 et seq.

***Section 6 Registration of Alarm System:***

6.1 Any alarm system user who owns, operates, or maintains an alarm system, including audible on-site alarm systems within Town of Wilmington shall provide the Chief or designee, written information which contains their names, addresses, and telephone numbers and at least two (2) persons who can be notified to install, repair, or service the alarm system and secure the premises during any hour of the day or night that the alarm might be activated. The alarm system user shall also provide, in writing, full directions to the premises and all other pertinent information regarding the premises. The alarm system user shall promptly notify the Chief, in writing, of any changes in this information. In the event that the alarm system user has contracted with a local service that responds to the scene and takes responsibility for the repair or service of the alarm system, the requirement to designate two persons to respond shall be waived. Should this information not be provided, the system shall be considered an unregistered alarm and shall be subject to penalties for same.

6.2 Unregistered alarms: False alarms received from unregistered false alarms shall be penalized from the first alarm. Users of unregistered false alarms shall have their alarm system inspected by an authorized serviceperson of an alarm business and shall file a written report with the Police Department of a form entitled "Compliance Report", within seven (7) days after the date of said alarm. Failure to obtain the necessary inspection or to file the said written report within the prescribed period of time shall result in the imposition of an additional penalty.

***Section 7 Penalties:***

7.1 No penalty shall be imposed against the user for the first false alarm within a twelve-month period, except for false alarms from unregistered alarm systems.

7.2 The penalty for the second offense for registered alarms, including audible on-site alarms, within a twelve month period shall be \$75.00 and the penalty for the third and subsequent offenses within a twelve month period shall be \$100.00 for each offense. The waiver fee shall be established at \$50.00 for the second offense and \$75.00 for the third and subsequent offenses during a twelve month period.

7.3 The penalty for the first offense for unregistered alarms, including audible on-site alarms, within a twelve month period shall be \$75.00 and the penalty for the second and subsequent offenses within a twelve month period shall be \$100.00 for each offense. The waiver fee shall be established at \$50.00 for the first offense and \$75.00 for the second and subsequent offenses

7.4 The penalty for the first offense for any audible on-site alarm that sounds for more than fifteen (15) minutes after activation within a twelve month period shall be \$75.00 and the penalty for the second and subsequent offenses shall be \$100.00 for each offense. The waiver fee shall be established at \$50.00 for the first offense and \$75.00 for the second and subsequent offenses

***Section 8 Liability of Town of Wilmington***

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 anything in connection therewith.

***Section 9 Exception***

Any building owned by the Town of Wilmington, the Wilmington Water District, or the Wilmington School District shall be exempt from any penalties.

***Section 10 Severability***

If any section, subsection, or any part thereof, is for any reason held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof.

***Section 11 Publication and Posting***

This Ordinance shall be entered in the Selectboard minutes, filed with the Town Clerk, and posted in at least five (5) conspicuous places within the Town. A copy of this Ordinance shall be published in the Deerfield Valley News, not later than fourteen (14) days following the date specified below when this Ordinance is adopted.

***Section 12 Information***

The Wilmington Town Manager, Sonia Alexander, whose telephone number is 464-8591, and whose address is Box 217, Wilmington, VT 05363, is a person knowledgeable about the Ordinance and is available to answer questions and provide persons with a full text thereof.

***Section 13 Right to Petition***

Citizens of the Town of Wilmington are further hereby notified that within forty-four (44) days from the date of adoption they may petition for a vote on the above Ordinance at an annual or special town meeting as provided in 24 VSA 1973.

***Section 14 Adoption/Effective Date***

This Ordinance is hereby adopted by the Selectboard of the Town of Wilmington on this the 26<sup>th</sup> day of December, 2001, and shall, unless a petition is filed as provided by law, become effective upon sixty (60) days from this date.

***Section 15 Recording***

This Ordinance shall be recorded by the Town Clerk in the Records of the Municipality.

**WILMINGTON SELECTBOARD**

Fred J. Skwirut, Chair

Michael B. Penson

Donald DeJong

Paul Kasanoff

John Redd

TOWN OF WILMINGTON

WILMINGTON FALSE ALARM ORDINANCE

ADOPTION CHECKLIST

Adopted by the Wilmington Selectboard on December 26, 2001

Filed with the Town Clerk on \_\_\_\_\_

Posted on December \_\_\_\_, 2001 at the following locations:

- Town Hall Bulletin Board
- C&S Beverage & Dairy
- Chittenden Bank
- Riverbend, Too Market
- Shaw's Store

Emailed request to publish to Deerfield Valley news on \_\_\_\_\_

Confirmation received on \_\_\_\_\_

PUBLISHED ON \_\_\_\_\_ IN THE Deerfield Valley News

Recorded in Wilmington Town Clerk's Office on \_\_\_\_\_  
Date

Copies to:

- Joseph Szarejko, Police Chief
- Ordinance File Book

Effective date of ordinance = 60 days after adoption = February 25th, 2002

By: \_\_\_\_\_  
Mary Towne

Received and Recorded this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
Susan Manton, Town Clerk