



THE TOWN OF HINESBURG

Alarm Ordinance

Section 1 -Authority

This ordinance is adopted by the Selectboard in the Town of Hinesburg under authority granted in 24 V.S.A. § 1974a, 1977, 2291 (14), (15) and 24 V.S.A. Chapter 59.

Section 2 -Purpose

The purpose of this ordinance is to reduce the overall number of false alarms in the Town of Hinesburg. These false alarm activations require the response of emergency services and resources to non-emergencies.

As more and more consumers choose to protect their homes and businesses with alarm systems, the number of false alarms continues to grow each year. Reducing false alarm calls will improve overall public health, safety, and service when a real emergency exists. First responders will be able to respond to emergency calls more rapidly and effectively.

This ordinance establishes business and residential alarm code requirements. The ordinance creates a registration process, provides for annual alarm permit fees of residential and business alarms, and provides for fees for false alarms to encourage improvement in the reliability of alarm systems. Human error and mechanical malfunction cause a significant number of false alarms each year. This ordinance will encourage proper alarm maintenance of alarm equipment, reduce mechanical malfunction and support responsible use of alarms to reduce human error.

Section 3 - Definitions

Alarm System: Any assembly or equipment, mechanical or electrical, arranged to signal the occurrence of any illegal entry, robbery, burglary, panic alarm, fire alarm, medical alarm, fire, pump station alarm or other emergency requiring urgent attention, to which the Police Department, Fire Department, or other emergency services are expected to respond.

False Alarm: Any activation of an alarm system by error or intention where no illegal entry, robbery, burglary, panic alarm, fire alarm, medical alarm, fire, pump station alarm or other emergency requiring urgent attention, to which the Police Department, Fire Department, or other emergency services are expected to respond.

Error or Mistake: Any action by any person, firm or corporation or other entity owing, occupying, or operating any dwelling, building, or place or any corporation or other entity, which results in the activation of an alarm system where no emergency exists.

Malfunction: Any unintentional activation of any alarm system caused by a flaw in design, installation, or activation caused by violent conditions of nature or other extraordinary circumstances, not reasonably subject to the control of the alarm user.

Intentional: Any intentional activation of any alarm system when illegal entry, robbery, burglary, panic alarm, fire alarm, medical alarm, fire, pump station alarm or other emergency is in progress.

Alarm Administrator: A person employed within the Hinesburg Police Department or Hinesburg Fire Department who is designated by either of those agencies as responsible for discharging duties as specified in this ordinance.

Audible Alarm- Any device, bell, horn, or siren which is attached to the interior of a building, structure, or facility and emits a warning signal which is audible inside the building, structure, of facility.

External Audible Alarm- Any device, bell, horn, or siren which is attached to the exterior of a building, structure, or facility and emits a warning signal which is audible outside the building, structure, of facility and is designated to attract attention when activated by a criminal act or emergency requiring Police Department, Fire Department, or other emergency services expected to respond.

Automatic Voice Dialer -any electrical, electronic, mechanical or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement agency, fire department or dispatch center.

Section 4 -Permit required

No person shall utilize or install an **alarm system** within the Town of Hinesburg unless a permit has been obtained for its use from the Alarm Administrator by the owner of the property upon which the alarm system is installed.

Section 5 - Failure to register

The installation or utilization of an alarm system without the filing of a complete application and the payment of the Ten Dollar (\$10.00) initial permit fee, or the payment when due, of response charges required by this section is a civil offense punishable by a fine of up to Two Hundred Twenty Dollars (\$220.00) with a waiver penalty of one hundred dollars (\$100.00). The annual permit fee thereafter shall be five dollars (\$5.00). All duly authorized enforcement officials are authorized to issue a municipal complaint for a violation of this section.

SECTION 6 – Intentional Alarm -Testing

No **false alarm** should be sounded in any dwelling, building, or place where no burglary, robbery, fire or other emergency exists which results in the response of the Hinesburg Police Department, the Hinesburg Fire Department or any other emergency services. Any person testing an alarm must first notify the Hinesburg Police Department, Fire Department or Shelburne Dispatch of such test and receive approval for the same, otherwise be subject to intentional false alarm penalties.

Section 7- Intentional False Alarm Penalties

Any person who tests an alarm system without notifying the Hinesburg Police Department, Fire Department or Shelburne Dispatch and obtaining approval for the same shall be subject to a fine of one hundred dollars (\$100).

Section 8- Automatic Voice Dialer Prohibition

It shall be unlawful to install, operator, or use an Automatic Voice Dialer in the Town of Hinesburg. The installation, operation or use of an Automatic Voice Dialer shall be subject to a fine of one hundred dollars (\$100).

Section 9- Owner/Keyholder -Response to alarm.

The applicant or representative shall respond to the site, when requested, to provide access, or to secure premises, when such response is deemed necessary by Emergency Services.

Section 10 - Owner - Employee training.

The owner must implement training and procedures as necessary to insure that false alarms are not transmitted by any employee or other authorized person who may lawfully have access to the premises during opening or closing or at any other time.

Section 11 - Audible alarm restrictions.

Alarms which are transmitted to a police department, dispatch center, or any other monitoring location may utilize an audible alarm on the premises. If an external audible alarm is utilized, it shall sound for no longer than thirty minutes and shall not be located within the village limits of the Town of Hinesburg. This provision shall pertain to security alarms only and not to fire alarms.

Section 12 - Response to alarms—Liability limitations

The Town of Hinesburg shall not be responsible for any claims or losses resulting from the servicing of and response to any private emergency alarm systems; and at all times the town shall only respond to private emergency alarms in a manner determined to be in the best interest of the town.

Section 13 – False alarm, errors, mistakes, or malfunctions: Administration
PENALTIES AND ENFORCEMENT

A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 V.S.A. § 1974a and 1977. Any law enforcement officer or issuing municipal official of the Town of Hinesburg shall be authorized to recover a waiver fee, in lieu of a civil penalty, in the following amount, for any person who declines to contest a municipal complaint and pays the waiver fee pursuant to this ordinance:

Waiver fees:

<i>First offense –</i>	0.00
<i>Second Offense-</i>	0.00
<i>Third Offense-</i>	50.00
<i>Fourth Offense-</i>	75.00
<i>Fifth Offense-</i>	100.00
<i>Off Duty Response-</i>	100.00

Offenses will be counted on an annual basis in conjunction with the registration periods. One false alarm per calendar year, no charge. After the second false alarm a written warning shall be sent to the person, firm, corporation or other entity owning, occupying or operating the dwelling, building, or place wherein said alarm system is installed. The third false alarm will be charged at a rate of fifty dollars (\$50). The Fourth false alarm will be charged at a rate of seventy-five dollars (\$75). The fifth false alarm will be charged at a rate of one hundred dollars (\$100) and every subsequent false alarm that calendar year will be charged at a rate of one hundred dollars (\$100) per incident. Except there shall be a charge of one hundred dollars (\$100) when it involves an off duty officer to be called in to respond.

Civil Penalties:

<i>First offense –</i>	0.00
<i>Second Offense-</i>	0.00
<i>Third Offense-</i>	220.00
<i>Fourth Offense-</i>	220.00
<i>Fifth Offense-</i>	220.00
<i>Off Duty Response-</i>	220.00

The maximum civil penalty for a False alarm, Audible Alarm Restriction or Automatic Voice Dialer restriction shall be \$800.00. The Selectboard of the Town of Hinesburg shall establish and amend from time to time a waiver fee schedule.

Section 14 - Suspension of response.

The Alarm Administrator may suspend alarm response if any of the following items are determined: (1) The Alarm User has five (5) or more False Alarm in one (1) year period. (2) There is a false statement of material fact in the Alarm Registration Form. (3) The Alarm User has failed to make timely payment of a fine or fee assessed under Section 12. Suspension of response shall pertain to security alarms only and not to medical or fire alarms.

Section 15 - Appeal of a suspension.

An alarm user may appeal the assessment of a fine, suspension, or request reinstatement to the Alarm Administrator. An appeal fee as established by the Selectboard of the Town of Hinesburg will accompany the appeal by the Alarm User. The filing of an appeal with the Alarm Administrator will stay the assessment of the fine or suspension until the Alarm Administrator makes a final decision. If the Alarm Administrator denies the issuance or renewal of an Alarm Registration, or suspends response, the Alarm Administrator shall send written notice of the action and a statement of the right to an appeal to the Alarm User. The applicant or Alarm User may appeal the decision of the Alarm Administrator to the Selectboard by filing a written request for a review setting forth the reasons for the appeal, within ten (10) days after receipt of the notice from the Alarm Administrator. The Selectboard shall conduct a formal hearing and consider the evidence by any interested Person(s). The Board must render a decision within thirty (30) days after the request for an appeal hearing is filed. Filing of a request for appeal shall stay the action by the Alarm Administrator suspending any assessment of fines or suspension until the Selectboard has completed the review. If a request for appeal is not made within the ten (10) day period, the action of the Alarm Administrator shall be final.

Section 16 - 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.

Section 17 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.

Section 18 - Information

The Town of Hinesburg, whose telephone number is 802-482-2281 and whose address is 10632 Vermont Route 116, Hinesburg, VT 05461 is the agency knowledgeable about this ordinance and available to answer questions and provide persons with a full text thereof.

Section 19 - Adoption and Effective Date

This Ordinance is hereby adopted by the Selectboard of the Town of Hinesburg on this the ___ day of ___, 2019, and shall, unless a petition is filed as provided by law, become effective upon sixty (60) days from this date.

Hinesburg Selectboard

Phillip Pouech, Chair

Aaron Kimball, Vice Chair

Thomas Ayer

Merrily Lovell

Jeff French

Adoption History

1. Agenda item at regular Selectboard meeting held on _____
2. Read and approved at regular Selectboard meeting on _____ and entered in the minutes of that meeting which were approved on _____
3. Posted in public places on _____
4. Notice of adoption published in the _____ newspaper on _____
5. Other actions [petitions, etc.]