TOWN OF STOWE, VERMONT
FIRE
ALARM SYSTEM ORDINANCE

ARTICLE 1 GENERAL INFORMATION

1.1 The Selectboard of the Town of Stowe hereby ordains this Fire Alarm System Ordinance to be in effect as of the date noted below pursuant to the authority granted under Section 202 (a), 203(5) and 204 of the Charter of the Town of Stowe and 24 V.S.A. 2291(14). This Ordinance shall be a civil ordinance within the meaning of 24 V.S.A. Chapter 59.

1.2 The Selectboard finds that when appropriate fire alarm systems are installed, used and maintained they provide valuable assistance to local fire protection and emergency service personnel in the performance of their duties and help prevent the potential loss of life and property damage due to fire. However, the installation of such systems and their frequent activation for other than their intended purpose significantly interferes with the efficient provision of fire protection and emergency services in the Town, wastes valuable public resources, including volunteer services, and jeopardizes the public health, safety and welfare. Accordingly, on the basis of reports by the Town's fire department and public safety personnel, and its review of other relevant information, the Selectboard hereby declares False Alarms, as defined herein, to be a public nuisance appropriate for regulation under this Ordinance.

1.3 The purpose of this Ordinance is to:

(a) require the proper operation, use and maintenance of all fire alarm systems within the Town of Stowe.

(b) prevent False Alarms and minimize emergency responses to non-emergency alarm activations.

1.4 This Ordinance shall amend the Fire Alarm System Ordinance, adopted by the Selectboard on August 11, 2005.

1.5 By adoption of this Ordinance the Town of Stowe does not assume any duty or liability not otherwise required or imposed by law.

ARTICLE 2 DEFINITIONS

2.1 The following words, terms and phrases, when used in this Ordinance, shall have the following meanings except where the context clearly indicates a different meaning.

(a) *Fire Alarm System* shall mean any mechanism or device used for the detection of fire, heat, smoke, sprinkler activation, carbon monoxide, or any other condition or hazard, designed to transmit a signal directly to an

Alarm Company or dispatch center which, in turn, notifies the Fire Department by telephonic or other means of communication, and to which the Fire Department is expected to respond.

(b) *Fire Alarm System Owner* or *Owner* shall mean any person, partnership, firm, association, cooperative, corporation or any other entity that owns or controls, by fee interest, leasehold, license, or other legal right, any building, structure, premises or facility in which a Fire Alarm System exists or is used. The term shall also include such Owner's agents, employees, contractors and representatives.

(c) *Alarm Company* means a person, partnership, firm, association, cooperative, corporation or any other entity that is engaged in selling, leasing, installing, servicing or monitoring a Fire Alarm System

(d) *Chief* shall mean the Chief of the Town of Stowe Fire Department.

(e) *Fire Department* (or "*Department*") shall mean the Town of Stowe Fire Department.

(f) *Town* shall mean the Town of Stowe, acting through its Selectboard and/or Town Manager.

(g) *False Alarm* shall mean any alarm signal that results in a request to, or automatically elicits a response by, the Department, whether willfully, or by malfunction, inadvertence, negligence or other unintentional act, in the absence of a fire, emergency or other situation requiring such a response.

(h) *Lock Box* shall mean a Fire Department approved locked box, located on the exterior of a building protected by an automated fire alarm system, containing keys to access a building protected by a Fire Alarm System.

(i) *Keyholder* shall mean any Alarm System Owner, Alarm Company, or other person that can provide year-round, 24 hour access, via a key, entry code or other means, to a Fire Alarm System and/or the building in which a Fire Alarm System is located, in the event of an alarm, within thirty minutes of notification by the Fire Department or alarm monitoring company that such access is required.

(j) *Force majeure event* shall mean an event beyond the control of the Alarm System Owner, which prevents the Owner from complying with his/her/its obligations under this Ordinance, including but not limited to acts of God (such as, but not limited to, fires, explosions, earthquakes, drought, tidal waves and floods); war or hostilities; rebellion, revolution, insurrection, or military or usurped power, or civil war; contamination by radio-activity; riot, commotion, strikes, lock outs or disorder; and acts or threats of terrorism.

ARTICLE 3 ALARM SYSTEM REGULATIONS

3.1 Alarm: A Fire Alarm System Owner shall be liable under this Ordinance for any and all False Alarms generated by a Fire Alarm System located on property under his/her/its ownership or control. Each False Alarm shall constitute a separate violation of this Ordinance. A False Alarm caused by a force majeure event shall be exempt from Articles 4 and 5 of this Ordinance.

It shall be prohibited for any person to reset, manually silence or otherwise tamper with an activated fire alarm system until such time as authorized by a fire department officer, except when conducting alarm system maintenance or testing.

During building construction, maintenance or other activity that has reasonable potential to result in a False Alarm, the Fire Alarm System Owner shall place the Fire Alarm System in test or standby mode.

No Owner shall install, use or operate a Fire Alarm System that transmits a pre-recorded message or signal directly to the Department requesting a response.

3.2 Access: Ability to Readily Access Fire Alarm System: Fire Alarm System Owners shall ensure that the Fire Department has year-round, 24 hour access to a Fire Alarm System through a Keyholder, lock box, or both. In the absence of an identified Keyholder, lock boxes shall be located on or near all buildings that have an installed Fire Alarm System. The lock box shall be mounted in a readily accessible location approved by the Chief or his/her designee.

The Alarm System Owner shall maintain lock box keys, labeled and identified in a manner approved by the Fire Department, for the following areas, and shall further provide such additional information as the Fire Chief may reasonably require for access to property, such as key pad codes, maps, diagrams or special hazard information:

a) Locked points of access on the exterior of the building.
b) Locked points of access in the interior of the building, including mechanical spaces, utility rooms, individual apartments and any other locked areas.
c) Alarm control panel
d) Elevator keys
e) Any other areas for which access is reasonably deemed necessary by the Fire Chief.

The Alarm System Owner shall immediately notify the Fire Chief and provide new keys or information when any lock is changed, re-keyed or re-coded.

3.3 E-911 Address: To facilitate the Department's prompt response to alarms, all Fire Alarm System Owners shall post the E911 address number, in 3-inch numbers and/or letters, at a location where the driveway serving the property meets the public right-of-way, or such other location as is appropriate to readily identify the property served by the Fire Alarm System.

ARTICLE 4 VIOLATIONS

It shall be a violation of this Ordinance for any Fire Alarm System Owner to fail or refuse to comply with any provision of Article 3, above. Except as provided below, the occurrence of a False Alarm on property owned by a Fire Alarm System Owner within a six month period shall constitute a violation of this Ordinance. However, no fine shall be issued for a first offense as the result of a False Alarm when such alarm is the first False Alarm on a property within any established six month period. For the purpose of this Ordinance, there shall be two six month periods, one commencing on January 1 and the other on July 1 of each calendar year.

ARTICLE 5 ADMINISTRATION AND ENFORCEMENT

5.1 The Chief of the Stowe Fire Department or any designated officer of the Stowe Fire Department shall act as issuing municipal official for the purpose of enforcing this Ordinance by way of municipal complaint or otherwise and shall be authorized to collect the fines and penalties for violations thereof, including for false alarms, as specifically provided below:

Fines:

a.	First Offense (non-False Alarm):	$100
	First Offense (False Alarm):	$0.00
b.	Second Offense:	$200
c.	Third Offense:	$400
d.	Fourth Offense:	$600
e.	Fifth and subsequent offenses:	$800

An issuing municipal official, under appropriate circumstances and at his or her discretion, reasonably exercised, shall have authority to give a written or verbal warning in lieu of a full or waiver penalty for any violation.

An issuing municipal official is authorized to recover a waiver fee, in lieu of a civil penalty, in the following amount from any person who declines to contest a municipal complaint and pays the waiver fee:

Waiver Fee:

a.	First Offense (non-False Alarm):	$50
b.	First Offense (False Alarm	$0.00
c.	Second Offense:	$100
d.	Third Offense:	$300
e.	Fourth Offense:	$500
f.	Fifth and subsequent offenses:	$700

5.2 In the event a waiver fee is not paid by the Owner, the Town may, at its discretion, seek enforcement of this Ordinance by injunctive or other appropriate relief and collection of any penalties, assessments, charges or amounts due under this Ordinance by bringing a civil action in the Judicial Bureau or the Vermont Superior

Court.

5.3 All expenses, fees, costs or charges assessed pursuant to this Ordinance, by entry of final judgment of the Judicial Bureau or otherwise, may be enforced by way of any of the remedies set forth or referenced in 24 V.S.A. § 1981, including, without limitation, any of the civil remedies for collection of judgments, lien upon real or personal property, civil contempt and referral to a collections agency. A violation of this Ordinance may also constitute a violation of 13 VSA §1751-1754 which is subject to prosecution as a criminal act.

ARTICLE 6 SEVERABILITY AND RECESSION

6.1 In the event any portion of this Ordinance is found to be invalid or void by a court of competent jurisdiction, the remaining provisions shall continue to be in full force and effect.

6.2 This Ordinance may be rescinded by a Town Meeting vote in accordance with the provisions of Section 204 (d) of the Charter of the Town of Stowe.

6.3 This Ordinance shall be in addition to the provisions of any otherwise applicable State or federally mandated fire, building or life safety statute, code, regulation or requirement. In the event of a conflict between this Ordinance and the requirements of any State or federally mandated fire, building or life safety state, code, regulation or requirement, the more stringent provision shall apply.

IN WITNESS WHEREOF, this ALARM SYSTEM ORDINANCE is hereby approved and adopted by Selectboard of the Town of Stowe, on this, the 9th day of December, 2019; to be effective as of the 9th day of December, 2019; whereby a first reading of this Ordinance was held at a duly warned open meeting of the Selectboard on November 25, 2019, an advertisement for a public hearing to consider this Ordinance was published in the *Stowe Reporter* on November 21, 2019, and a second reading and Public Hearing was held at a duly warned open meeting of the Selectboard on December 9, 2019, as prescribed in Section 204 of the Stowe Town Charter.

ATTEST:

Stowe Selectboard:

William Noyes

William Adams

Lisa Hagerty

Neil Van Dyke

Morgan Nichols

UNDER SEAL OF THE TOWN, received, filed and recorded on this 7th day of January, 2019 20 at 1:30 a.m./p.m.

ATTEST:

Lisa A Walker

Office of the Town Clerk

Stowe, VT. Record Received

1.7.2020 at 1:30 PM

Lisa A. Walker, Town Clerk