

TOWN OF STOWE, VERMONT

SECURITY ALARM SYSTEM ORDINANCE

ARTICLE 1 GENERAL INFORMATION

1.1 The Selectboard of the Town of Stowe hereby ordains this Security Alarm System Ordinance to be in effect, as of the date noted below, pursuant to the authority granted under Section 202 (a), 203(4) 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 Security Alarm Systems are installed, used and maintained, and their presence is made known to designated officials, they provide valuable assistance to local law enforcement and emergency personnel in the performance of their duties and deter criminal activity in the community. However, the installation of such systems and their frequent activation for other than their intended purpose significantly interferes with the efficient provision of law enforcement and emergency services in the Town, wastes valuable public resources, and jeopardizes the public health, safety and welfare. Accordingly, on the basis of reports by the Town's police 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 –Security Alarm Systems within the Town of Stowe.
- (b) prevent False Alarms and minimize emergency responses to non-emergency alarm activations.
- (c) protect the health, safety, welfare and convenience of the citizens of and visitors to the Town of Stowe.

1.4 This Ordinance shall amend in its entirety and replace the Police Security Alarm Systems Ordinance, adopted by the Selectboard on August 15, 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) *Security Alarm System* shall mean any *security, intrusion or alert alarm system*, mechanism or device, however configured, used in a building or on premises for the detection of burglary, unauthorized entry or to warn of any other criminal activity whereby the system is designed to transmit a signal directly to an Alarm Company which, in turn, notifies the Police Department by telephone, and to which the Police Department would be dispatched to respond.
- (b) *Security 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 or on which a Security 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 Security Alarm System.
- (d) *Chief* shall mean the Chief of the Town of Stowe Police Department.
- (e) *Police Department* (or "*Department*") shall mean the Town of Stowe - Police Department.
- (f) *Town* shall mean the Town of Stowe, acting through its Selectboard and/or Town Manager.
- (g) *False Alarm* shall mean an alarm activation in the absence of an emergency, whether willfully, or by malfunction, inadvertence, negligence or other unintentional act, including the malfunction or unannounced testing of the Security Alarm System, to which the Police Department responds. The use of any panic alarm or holdup alarm for other than its intended purpose, and to which the Police Department responds, shall also constitute a false alarm.

Alarms that occur for the following reasons are excluded from the *False Alarm definition*: Repairing of telephone or electrical lines outside the premises, natural disasters such as earthquake, major flooding, or other severe weather event, fire, an attempted illegal entry of which there is visible evidence, a crime in progress or in the case of an actual medical emergency the activation of a Security Alarm to summon emergency

response.

- (h) *Automatic Dialing Device* means a device which is connected to a telephone line and is programmed to transmit a signal by a voice recorded message that indicates an emergency exists and the need for a police or an emergency response is required.

ARTICLE 3 ALARM SYSTEM REGULATIONS

3.1 Liability for False Alarms:

- (a) A Security Alarm System Owner shall be liable under this Ordinance for any and all False Alarms generated by a Security Alarm System located on property under his/her/its ownership or control and for other False Alarms initiated by his/her/its actions. Each False Alarm shall constitute a separate violation of this Ordinance.
- (b) During building construction, maintenance or other activity that has reasonable potential to result in a False Alarm, the Security Alarm System Owner shall place the –Security Alarm System in test or standby mode.
- (c) No Owner shall install, use or operate a Security Alarm System that utilizes an Automatic Dialing device that transmits a pre-recorded message or signal directly to the Department requesting a response.

3.2 Responsibility to Prevent False Alarms

- (a) The Owner of property in which a Security Alarm System is installed shall be responsible for maintaining the system in proper operating condition.
- (b) Users of the property in which Security Alarm Systems are installed shall be responsible for taking those actions that are required to prevent the occurrence of a False Alarm when they are present on the property. They shall not intentionally or negligently activate or trigger any Security Alarm System on the property or allow the activation of said system except for its intended purpose. Any person who activates any Security Alarm System or allows its activation for other than its intended purpose, shall promptly notify the Police Department.
- (c) Owners or users of property in which Security Alarm Systems are installed shall promptly notify the Police Department if they believe that a False Alarm has occurred.

3.3 Police Response

- (a) When a Security Alarm is received and Police Officer(s) respond to the

property in which the Security Alarm System is activated, the Police Officer(s) will investigate and determine if it is a False Alarm.

- (b) Owners or users of the property in which the Security Alarm System has activated, and the owners or users call the Police to advise it is a false alarm prior to Police arrival, it will not be deemed a False Alarm violation. Police response MUST be cancelled for it to be a non-false alarm violation.

ARTICLE 4 E-911 Address

4.1 To facilitate the Department's prompt response to security alarms designed to protect property or prevent intrusion, all Security 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 Security Alarm System.

ARTICLE 5 VIOLATIONS

5.1 It shall be a violation of this Ordinance for any Security Alarm System Owner to fail or refuse to comply with any provision of this Ordinance. No fine shall be issued for a first offense as the result of a False Alarm when such alarm is the first False Alarm by a person or on a property within a 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 6 ADMINISTRATION AND ENFORCEMENT

6.1 The Chief of the Stowe Police Department or any designated officer of the Stowe Police 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 (E911 Address Violation): \$100
- b. First Offense (False Alarm Violation): \$0.00
- c. Second Offense: \$200
- d. Third Offense: \$400
- e. Fourth Offense: \$600
- f. 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 (E911 Address Violation) | \$50 |
| First Offense (False Alarm Violation) | \$0.00 |
| b. Second Offense: | \$100 |
| c. Third Offense: | \$200 |
| d. Fourth Offense: | \$300 |
| e. Fifth and subsequent offenses: | \$400 |

6.2 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 Civil Division of the Vermont Superior Court.

6.3 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 7 SEVERABILITY AND RECESSIO

7.1 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.

7.2 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.

7.3 This Ordinance shall be in addition to the provisions of any otherwise applicable State or federally mandated health, 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 health, fire, building or life safety state, code, regulation or requirement, the more stringent provision shall apply.

IN WITNESS WHEREOF, this SECURITY ALARM SYSTEM ORDINANCE is hereby approved and adopted by Selectboard of the Town of Stowe, on this, the 24th day of February, 2020; to be effective immediately; whereby a first reading of this Ordinance was held at a duly warned open meeting of the Selectboard on February 10, 2020, an advertisement for a public hearing to consider this Ordinance was published in the *Stowe Reporter* on February 20th, 2020, and a second reading and Public Hearing was

held at a duly warned open meeting of the Selectboard on February 24, 2020, 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 _____ day of _____, 2020 at _____ a.m./p.m.

ATTEST:

Office of the Town Clerk