

TOWN OF KILLINGTON FALSE ALARM ORDINANCE

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Section 1 – Purpose of Ordinance

This ordinance is enacted to encourage responsible use of burglar and fire 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.

The Constables of the Town of Killington and the Chief of the Sherburne Volunteer Fire Department have indicated that human error or mechanical malfunctions of criminal detection, burglar, and fire alarms in the Town of Killington has resulted in a significant number of false alarms being signaled to which the Police and/or Fire 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 Sections 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 fire, burglary or unauthorized entry and which is designed to transmit to an alarm monitoring company a signal, message, warning, or other indication of an occurrence requiring a Police or Fire Department response.

3.2 Alarm System User: Any person, partnership, firm, association, or any other entity in control and/or ownership 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 Alarm Monitoring Company: A commercial or private alarm monitoring company that upon receiving notification of an alarm, notifies the Police and/or Fire Departments of the alarm activation.

3.5 Key Lock Box: A high security key vault which shall be a KNOX-BOX rapid entry master key system approved by the Police and Fire Department.

3.6 Constables: The First Constable, Second Constable and all duly appointed Special Police Officers of the Town of Killington.

3.7 Police Department: The Town of Killington Constables or any other agency, including but not limited to the Vermont State Police, requested by the Town to provide public safety services for the Town of Killington.

3.8 Chief: The Fire Chief of the Sherburne Volunteer Fire Department.

3.9 Fire Department: The Sherburne Volunteer Fire Department.

3.10 False Alarm: For the purpose of assessing a penalty, a false alarm is defined as the activation of a police or fire alarm by audible, electronic or telephonic means and/or the subsequent notification given by an alarm monitoring company or others to the 911 Emergency phone number, the Killington Constables, the Vermont State Police and/or the Sherburne Volunteer Fire Department that an emergency exists, when an emergency or other circumstance that could be perceived as an emergency does not exist, and for which the Police or Fire Departments 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 and/or Fire Department.
- e) Faulty installation or maintenance.
- f) Improper or unsuited equipment.
- g) Equipment malfunction.

An alarm activation caused by violent conditions of nature or other extraordinary circumstances beyond the control of the alarm system user, including interruptions in electric power service, does not constitute a false alarm.

3.11 Prohibited Alarms: It shall be unlawful to install, operate, or maintain an alarm system that transmits via telephonic or electronic means directly to the Police or Fire Department, a prerecorded message requesting a response by either of those departments. The alarm system user shall disconnect or have disconnected such alarm system on or before ninety (90) days from the effective date of this Ordinance. Use of a Prohibited Alarm or failure to disconnect a Prohibited Alarm shall result in the imposition of a Prohibited Alarm penalty.

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 1974a and 1977 et seq.

Section 6 - Alarm and Key Lock Box Systems Requirements

- 6.1 Registration:** Any Alarm System User who owns, operates, or maintains an Alarm System, including audible on-site alarm systems within the Town of Killington shall provide the First Constable and/or the Chief or their designee, written information, on a form acceptable to the Town, which contains:
- a) The Alarm System Users names, addresses, and telephone numbers.
 - b) The name, address and telephone number of the alarm monitoring company.
 - c) The names, addresses and telephone numbers of 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.
 - d) Full locatable directions to the premises including street name and 911 address number.
 - e) Information on the type of alarm system(s) installed.
 - f) 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 and/or the premises, their name(s), addresses and telephone numbers must also be provided.
 - g) Furnish floor plans which indicate the location of the key lock box, alarm control panel, main electrical panel, any hazardous or flammable materials and such other information as may be pertinent to emergency service responders.
 - h) The alarm system user shall promptly notify the First Constable and/or the Chief, in writing, of any changes in this information.

Should all of the above 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 alarm systems shall be penalized from the first false alarm. Users of unregistered alarms shall have their alarm system inspected by an authorized serviceperson of an alarm company and shall file all the information required under Section 6.1 of this Ordinance with the Police and/or Fire Department within seven (7) days after the date of written notification of an unregistered alarm by the Police and/or Fire Department. 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 a Failure to Register penalty.

6.3 Corrective Action of False Alarms: Following any false alarm, the cause of the false alarm must be corrected within five (5) days and a written report certifying that the corrective action has been taken shall be filed within five (5) additional days with the Police and/or Fire Department. Failure to correct the problem or submit the certification shall result in the imposition of a Failure to Report penalty.

6.4 Key Lock Box System Requirements: All buildings within the Town of Killington having an Alarm System shall be equipped with a Key Lock Box at an accessible location near the main entrance of the structure or at such location approved by the Police or Fire Department.

The Alarm System User shall cause to be placed in such Key Lock Box keys, labeled and identified in a manner approved by the Police or Fire Department, to the following areas:

- a) Locked points of access in the exterior of the building.
- b) Locked points of access in the interior of the building to mechanical rooms, electrical rooms, hallways, utility rooms, individual apartments, rented rooms and any other locked areas of the building.
- c) Alarm control panel.
- d) Elevator keys, if any.
- e) Such other information as required by the Police or Fire Department such as key pad codes, maps or diagrams of the floors and information on any hazardous or flammable materials stored in the building.

The Alarm System User shall immediately notify the Police and/or Fire Department and provide new keys or information when any lock is changed or re-keyed.

Failure to install and maintain the Key Lock Box System as required above shall result in the imposition of a Key Lock Box Violation penalty.

Section 7 – Penalties and Enforcement

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 \$200.00 and the penalty for the third and subsequent offenses within a twelve month period shall be \$300.00 for each offense. The waiver fee shall be established at \$100.00 for the second offense and \$150.00 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 \$200.00 and the penalty for the second and subsequent offenses within a twelve month period shall be \$300.00 for each offense. The waiver fee shall be established at \$100.00 for the first offense and \$150.00 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 \$200.00 and the penalty for the second and subsequent offenses shall be \$300.00 for each offense. The waiver fee shall be established at \$100.00 for the first offense and \$150.00 for the second and subsequent offenses.

7.5 The penalty for a Failure to Register shall be \$100.00 and the waiver fee shall be established at \$50.00.

7.6 The penalty for a Failure to Report shall be \$100.00 and the waiver fee shall be established at \$50.00.

7.7 The penalty for the first offense for a Key Lock Box Violation shall be \$200.00 and the penalty for the second and subsequent offenses shall be \$300.00 for each offense. The waiver fee shall be established at \$100.00 for the first offense and \$150.00 for the second and subsequent offenses.

7.8 The penalty for the first offense for a Prohibited Alarm Violation, regardless of whether or not the call was false, shall be \$200.00 and the penalty for the second and subsequent offenses shall be \$300.00 for each offense. The waiver fee shall be established at \$100.00 for the first offense and \$150.00 for the second and subsequent offenses.

7.9 Enforcement: Any certified issuing law enforcement officer of the Police Department as defined above shall be authorized to issue municipal complaints pursuant to this Ordinance.

Section 8 - Liability of the Town of Killington

The Towns' regulation of Alarm and Key Lock Box Systems shall not constitute acceptance by the Town of Killington for any liability to maintain any equipment, to answer alarms, or to take any action in connection therewith.

Section 9 - Exception

Any building owned by the Town of Killington, the Sherburne Fire District #1, the Sherburne Volunteer Fire Department or the Sherburne School District shall be exempt from any penalties.

Section 10 - Severability

If any section, subsection, phrase, 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 Rutland Herald, not later than fourteen (14) days following the date specified below when this Ordinance is adopted.

Section 12 - Information

The Killington Town Manager, whose telephone number is 422-3241, and whose address is P.O. Box 429, Killington, VT 05751, 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 Killington 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 Killington on this the 3rd day of October, 2005, 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.

**TOWN OF KILLINGTON
BOARD OF SELECTMEN**





