

TOWN OF BERLIN, VERMONT

AN ORDINANCE REGULATING PRIVATE ALARM SYSTEMS

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The Selectboard of the Town of Berlin hereby ordains:

Article 1. Statement of Purpose:

1.1 This ordinance is enacted to encourage responsible use 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.

Article 2 Definitions:

2.1 "Alarm System" shall mean any mechanism or device that is used in a building or premises for the detection of burglary, unauthorized entry, any other criminal activity or fire, flammable gas, or carbon monoxide(CO) and which is designed to transmit to any receiving station a signal, message, warning, or other indication of an occurrence requiring a police and/or fire department response.

2.2 "Alarm System User" shall mean any person, partnership, firm, association, cooperation, corporation, or any other entity in control of or occupying any building, structure, premises, or facility wherein an alarm system is installed, operated, or maintained.

2.3 "Chief" shall mean either the chief of the Berlin Police Department or the Chief of the Berlin Fire Department, as appropriate..

2.4 "False Alarm" shall mean any alarm signal eliciting a response by police and/or fire personnel when the situation requiring such a response does not in fact exist. An alarm signal caused by electrical power failure, forces of nature or other extraordinary circumstances beyond the control of the alarm system user shall not constitute a false alarm.

2.5. "On-Site Alarm System" shall mean any mechanism or device which, when activated, causes an audible or visual signal to be activated only in or on the premises wherein the system is installed, operated, and/or maintained.

2.6 "Department" shall mean the Berlin Police Department or the Berlin Fire Department, as appropriate, or any other agency providing public safety services to the Town of Berlin.

Article 3. Prohibited Alarms:

3.1 It shall be a violation of this Ordinance to install, operate, or maintain an alarm system that transmits via telephone line directly to the police station, fire station, or dispatch center a pre-recorded message requesting a response by either or those departments.

Article 4. False Alarm Procedures, Civil Penalties and Enforcement:

4.1 An alarm system user shall be responsible for all false alarms generated by the system devices.

4.2 It shall be a violation of this Ordinance for any alarm system user to reset, manually silence or otherwise tamper with an activated fire alarm system until such time as authorized by the Fire Officer, except when conducting alarm system maintenance or testing or while performing some other activity that is likely to activate a false alarm. The exception for maintenance and/or testing shall only apply if the alarm system user has provided prior notice to the alarm system user's monitoring company (if applicable) and the Fire Departments Dispatch Center.

4.3 This Ordinance is designated as a civil ordinance pursuant to the Vermont Statutes Annotated. For the second false alarm from an alarm system within any six month period, and for any false alarms thereafter, the alarm system user shall be subject to civil penalties as follows:

- a. For the second false alarm within a six month period: One Hundred Dollars (\$100).
- b. For the third and subsequent false alarms within the same six months: Two Hundred dollars (\$200).

4.4 Civil penalties shall be assessed and collected in accordance with Vermont Statutes Annotated pertaining to civil ordinance penalties and violations.

Article 5. Registration of Alarm Systems:

5.1 The owner of any occupied building or residence in which an alarm system is installed shall provide to the Chief of the Police Department and/or the Chief of the Volunteer Fire Department, as appropriate, or his/her designee, written information

which contains the name, address and telephone numbers of the alarm system owner and the names and telephone numbers of at least two (2) persons who can be notified to secure the premises at any time of day in the event that an alarm system is activated; or in the event that the alarm system is served by a local responding service or repair contractor, the name, address and telephone number of such contractor. The owner shall also provide, in writing, driving directions to the owner's premises. The owner shall promptly notify the Chief of each Department, as appropriate, in writing, of any changes in such information.

5.2 All commercial buildings equipped with an alarm system constructed after the adoption of this ordinance shall include a lock box system approved by the Chief of the Volunteer Fire Department. The Chief may waive this requirement if alternate arrangements for immediate access to the interior of the structure are provided.

Article 6. Audible On-Site Alarms:

6.1 Audible on-site alarms which are audible outside the boundaries of the property in which the on-site alarm is installed shall be equipped and maintained to shut off automatically no longer than sixty (60) minutes following activation. Any alarms not in compliance with the requirements of this section shall come into compliance no later than one (1) year after the effective date of this Ordinance.

Article 7. Exemption:

7.1 The provisions of this Ordinance shall not apply to any building owned by the Town of Berlin or the Berlin Volunteer Fire Department.

Article 8. Severability:

8.1 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.

Article 9. Effective Date:

9.1 This Ordinance shall be effective sixty (60) days following adoption unless a petition for disapproval of the Ordinance is filed in accordance with Vermont Statutes Annotated within forty-four (44) days of adoption.

Adopted by the Berlin Select Board:

Date: 10-7-13

Brad Towne, Chair

Roberta Haskin
Roberta Haskin, Vice Chair

Ture Nelson
Ture Nelson, Secretary

Jeremy Hansen
Jeremy Hansen

Pete Kelley
Pete Kelley

Attest:

Rosemary Morse
Rosemary Morse, Town Clerk

10-18-13