

ARTICLE IV. ALARM SYSTEMS*

Sec. 12-81. Short title.

This article shall be known and may be cited as "The Ordinance Regulating Alarm Systems and Users."

(Ord. of 3-2-00)

Sec. 12-82. Purpose and intent.

The purpose of this article is to:

- (1) Reduce the number of false fire and burglar alarms;
- (2) Allow the effective deployment of the personnel of the police and fire departments;
- (3) Reduce or eliminate the hazard to the general public and the members of the police and fire departments during responses to false fire and burglar alarms; and
- (4) Promote the responsible use of alarm devices in the town.
- (5) [Make] the fire department to be responsible for administration of this article pertaining to fire calls.
- (6) [Make] the police department to be responsible for administration of this article pertaining to burglar alarms.

(Ord. of 3-2-00)

Sec. 12-83. Definitions.

For the purpose of this article:

Alarm business means any person, as defined herein, who is in the business of supplying, installing or servicing alarm devices.

***Editor's note**—An ordinance adopted March 2, 2000, amended Art. IV in its entirety to read as herein set out. Prior to said amendment, Art. IV pertained to similar subject matter and was derived from an ordinance enacted July 26, 1988.

Cross reference—Fire prevention and protection, Ch. 5.

Alarm system means any device installed in any dwelling, building or place in the town which, when activated via an automatic dialing device calls for police or fire department response:

- (1) Activates an automatic dialing device that transmits a signal to a person who relays information to the Southbury Communication Center;
- (2) Excluded from this definition and the scope of this article are devices which are designed to alert or signal only persons within the premises in which the device is installed.

Alarm user means the occupant, or owner, or lessee of any premises in which an alarm device is used.

Automatic dialing device means an alarm system that mechanically or electronically notifies a monitoring person who then notifies the Southbury Communication Center of an alarm system activation.

False alarm:

- (1) *Error or mistake* means the activation of an alarm system when police or fire services are not required.
- (2) *Intentional act* means any intentional activation of an alarm system in the absence of an unlawful entry, or fire or police emergency.

Person means any person, firm, partnership, association, corporation, company or organization of any kind, including governmental entities. (Ord. of 3-2-00)

Sec. 12-84. Registration.

No person shall operate an alarm system within the town until a registration form has been filed with the Southbury Communication Center. The registration form shall be prescribed by the supervisor of the Southbury Communication Center and shall include the name, telephone number and address of the alarm user and of at least two (2) other persons who shall have access to the alarm system and/or must have an approved lock box (i.e., Knox Box) that is accessible to the fire or police departments. There must be a person with

instructions to reset the system. Such person should be available twenty-four (24) hours a day, seven (7) days a week, and respond to the incident within thirty (30) minutes of being notified. In addition, the registration information shall include the name, address and telephone number of the person responsible for servicing the system. (Ord. of 3-2-00)

Sec. 12-85. Maintenance and testing of equipment.

(a) Any alarm user is required to maintain all components of his alarm system at his own expense.

(b) No alarm system shall be tested, repaired, adjusted, or maintained if such action could result in a false alarm, without prior notification to and approval of the communication center. (Ord. of 3-2-00)

Sec. 12-86. False alarms.

(a) *Error or mistake:*

- (1) Time period for such alarms is a calendar year starting January 1 through December 31 of that given year.
- (2) The following penalties shall be imposed upon the responsible alarm user for activation of an alarm system by error or mistake:
 - a. *First false alarm:* The appropriate agency or department or its representative will issue a written notification form to the alarm user or owner.
 - b. *Second false alarm:* A second written notice will be issued from the appropriate agency or department or its representative.
 - c. *Third and subsequent alarms:* The third and each subsequent violation will be fined at two hundred dollars (\$200.00) per violation.
- (3) The responding officer or supervisor will determine to the best of their ability whether it was a violation or not.

- (4) Notification of any such violation will be issued within a reasonable time period.
- (5) Notwithstanding the provisions of subsection (a)(2), there shall be no charge for the first false alarm occurring within one month after installation of an alarm system and such false alarm shall not be considered in determining penalties in accordance with the schedule set forth in subsection (a)(2).

(b) *Intentional acts.* Any person who knowingly or intentionally causes the activation of a false alarm shall be fined two hundred dollars (\$200.00) and, where applicable, may additionally be subject to prosecution under the Connecticut General Statutes for falsely reporting an incident. (Ord. of 3-2-00)

Sec. 12-87. Other prohibited acts.

Any person who fails to register an alarm system or give notice of changes in registration information as required by this article can be fined two hundred dollars (\$200.00) each day up to a maximum of two thousand dollars (\$2,000.00). Any person who uses or allows the use of an automatic dialing device in violation of the provisions of this article can be fined two hundred dollars (\$200.00) a day up to a maximum of two thousand dollars (\$2,000.00).

The appropriate agency or its representative will track such violations and results will be turned over to the police department for appropriate action. (Ord. of 3-2-00)

Sec. 12-88. Hearings; hearing officers.

(a) Any person receiving an order or notice of violation pursuant to the provisions of this article may contest such order or notice at a hearing before the alarm systems hearing officer. All demands for a hearing must be made in writing and delivered in person or by certified mail no later than ten (10) days following receipt of the order or notice of the violation. Any person requesting a hearing shall be given written notice of the date, time and place of the hearing. Such hearing shall be held not less than fifteen (15) days nor more than thirty (30) days from the date of the mailing

of notice; provided, the hearing officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. The presence of the issuing officer shall be required at the hearing if such person so requests. A person wishing to contest an order or notice of violation shall appear at the hearing and shall have the right to present evidence and cross-examine witnesses. A designated town official, other than the hearing officer, may present evidence on behalf of the town. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as he or she deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce his or her decision at the end of the hearing.

(b) The board of selectmen shall appoint two (2) hearing officers other than firefighters to conduct the hearings authorized by this section. All such officers shall serve for a term of two (2) years. (Ord. of 3-2-00)

Sec. 12-89. Failure to pay fines.

Persons in violation must respond to the hearing officer. Failure to respond means an automatic guilty plea.

If any person fails to pay, within thirty (30) days, any fine or charge provided for in this article, or if any person shall fail to register an alarm system or give notice of changes in registration information as required by this article, it shall be the right of the chief of the police or fire department, as the case may be, to chose not to respond to the alarm after notification by registered letter to the alarm user. Interest shall accrue at the rate of one and five-tenths (1.5) percent per month on all fines and charges outstanding for periods in excess of thirty (30) days.

Failure to respond to hearing officers shall thereupon enter and assess the fines provided by this article and shall follow the procedures set forth in section 7-152c of the Connecticut General Statutes. (Ord. of 3-2-00)

**Sec. 12-90. Town assumes no responsibility
for alarm system.**

Notwithstanding the provisions of this article, the town, its departments, officers, agents and employees shall be under no obligation whatsoever concerning the adequacy, operation or maintenance of any alarm system or of the alarm monitoring facilities at the Southbury Communication Center. No liability whatsoever is assumed by the town for the failure of such alarm system or monitoring facilities, or for failure to respond to alarms or for any other act or omission in connection with such alarm system. Each alarm system user shall be deemed to hold and save harmless the town, its departments, officers, agents and employees from liability in connection with the alarm users alarm system.

(Ord. of 3-2-00)