

TOWN OF MENDON
FALSE ALARM ORDINANCE

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SECTION 1 - AUTHORITY

This Ordinance is adopted by the Selectboard of the Town of Mendon under authority granted in 24 V.S.A. 2291 (14), (15) and 24 V.S.A. Chapter 59.

SECTION 2 - PURPOSE

Human error and mechanical malfunction of alarms in the Town of Mendon results in a significant number of false alarms to which Mendon's contracted fire department and/or emergency first responders must respond. This requires the unnecessary deployment of personnel and vehicles to non-emergency situations and causes the unnecessary expenditure of public funds.

This Ordinance is enacted to encourage the responsible use of alarms, including the proper maintenance of alarm equipment. Its purpose is to reduce the number of false alarms, thereby reducing the allocation of emergency services and resources to non-emergency alarm activations or improper use of such alarms, the conservation of public resources, the abatement of a public nuisance, the enhancement of the public health, safety and welfare of Mendon's residents and the preservation of the quiet enjoyment of their homes and properties..

SECTION 3 - DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings given herein, except where the context clearly indicates a different meaning.

- (1) Alarm System Owner:** Any U L Listed Central Station combination or assembly of electronic or telephonic devices or a single device at a premise or location, designed to transmit, by electronic or telephonic means, to any dispatch person or entity, either directly or through an intermediary, a warning signaling a hazard, intrusion or fire to which police or the fire department is expected to respond. In this ordinance, the term "alarm system" shall apply to all electronic security systems, fire alarm systems, services and alarms defined herein by which police or the fire department are notified and expected to respond. Only U L Listed Central Station alarm systems shall be used in the town of Mendon. A non-U L Listed Central Station alarm system shall not be installed in the town of Mendon.

- (2) **Alarm System Owner and/or User:** Any person, partnership, firm, association, or any other entity in control of any building, structure, premises or facility wherein an alarm system exists within the Town.
- (3) **Enforcement Officer:** The Rutland County Sheriff's Department, the Town of Mendon Constable, or any other officer appointed by the Selectboard to enforce the provisions of this Ordinance.
- (4) **False Alarm:** A false alarm is the activation of an alarm system and/or its subsequent notification to Law Enforcement of the Fire Department by electronic or telephonic means that an emergency exists, when an emergency or other circumstances that could be perceived as an emergency does not exist and to which Law Enforcement or the Fire Department has responded. False alarms caused by a power outage, electrical storms, floods, hurricanes or other violent events shall not constitute a false alarm.
- (5) **Fire Department:** The Rutland City Fire Department, or such other fire department that the Town of Mendon contracts with, to provide fire protection services, or that responds to calls in Mendon by mutual aid or otherwise.
- (6) **Law Enforcement:** The Rutland County Sheriff's Department, the Town of Mendon Constable, or other certified law enforcement officer that the Town of Mendon contracts with to provide law enforcement services or that responds to calls in Mendon by mutual aid or otherwise.

SECTION 4 - VIOLATIONS

- (a) It shall be a violation of this Ordinance for any Alarm System Owner and/or User within the Town to report, or cause to report, a false alarm.
- (b) Within six (6) months from the effective date of this ordinance, all alarm systems which use an audible horn, siren, bell or other audible device shall be equipped with a device which will terminate such horn, siren, bell or other audible device within fifteen (15) minutes after activation of the alarm system. No automatic dial fire alarm shall be used. No alarm system shall automatically select a telephone line connected to an alarm monitoring facility, the Fire Department or Law Enforcement which reproduces a pre-recorded voice message or coded signal indicating the existence of the emergency situation that the alarm system is designed to detect. No person shall have a self-dialing telephone alarm system (Tape Dialer System) connected to his/her telephone which automatically calls any alarm monitoring facility, the Fire Department or Law Enforcement.
- (c) All fire alarm systems shall comply with the BOCA Fire Prevention Code, latest available Edition, together with all amendments and cumulative supplements thereafter, and the NFPA 101 Life Safety Code, latest available Edition.
- (d) All fire alarm systems shall comply with the BOCA Fire Prevention Code, latest available Edition, together with all amendments and cumulative supplements thereafter, and the NFPA 101 Life Safety Code, latest available Edition.
- (e) No alarm system shall be allowed that does not provide a clear indication to the responding agency, be it the Fire Department, Law Enforcement, an answering service a central alarm station or any other person, entity or authority whatsoever, what the specific cause of the alarm is (e.g. whether it is for a fire, an unauthorized entry, a drop in inside temperature, or any other item for which an alarm system is designed or reasonably expected to respond). In furtherance of the foregoing, and not in limitation thereof, no alarm system shall be installed or operated that elicits a call to the Fire Department, whether by direct communication with the Fire Department, or through an answering service, a central alarm station, or any other person, entity or authority whatsoever, because of a drop in temperature or an unauthorized entry at the premises.

SECTION 5 - PENALTIES

- (a) No penalty to the Alarm System Owner and/or User shall be imposed for the first false alarm within a twelve (12) month period, beginning January 1st of each year. The penalty assessed against the Alarm System Owner and/or User for false alarms shall be up to the statutory maximum or eight hundred dollars (\$800.00) for the second and each subsequent false alarm offence occurring within the calendar year.
- (b) The waiver fee for an uncontested violation of this alarm ordinance for the second and each subsequent false alarm offence within a calendar year shall be up to the statutory maximum or eight hundred dollars (\$800.00).

SECTION 6 – ENFORCEMENT

- (a) A violation of this Ordinance shall be a civil matter, which may be enforced in the Vermont Judicial Bureau or in the Rutland County Superior Court at the election of the Selectboard.
 - (1) Violations enforced in the Judicial Bureau shall be in accordance with the provisions of 24 V.S.A. §§ 1974a and 1977 et seq.
 - (2) A Vermont Municipal Violation Complaint (i.e. “municipal ticket”) will be issued by an Enforcement Officer for a violation of this Ordinance.
 - (3) For purposes of enforcement in the Judicial Bureau, the designated Enforcement Officer shall issue tickets and may be the appearing officer at any hearing. The Town Attorney may also be the appearing officer at the hearing at the direction of the Selectboard.
- (b) Violations enforced in the Superior Court shall be in accordance with the Vermont Rules of Civil Procedure. The Town may pursue all appropriate injunctive relief for any and all violations of this Ordinance at the election of the Selectboard.

SECTION 7 – OTHER LAWS

This Ordinance is in addition to all other ordinances of the Town of Mendon and all applicable laws of the State of Vermont. All ordinances, or parts of ordinances, resolutions, regulations, or any other documents inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 8 – SEVERABILITY

If any section of this Ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this Ordinance.

SECTION 9 – EFFECTIVE DATE

This Ordinance shall become effective 60 days after the adoption by the Selectboard. If a petition is filed under 24 V.S.A. § 1973, that statute shall govern the taking effect of this Ordinance.

Adopted by the Town of Mendon Selectboard this 27th day of August, 2018.

Richard Wilcox, Chair, Mendon Selectboard
Geoffrey Wells, Member, Mendon Selectboard
Scott Bradley, Member, Mendon Selectboard