

Town of Winhall

Alarm Ordinance

Whereas, an increasing number of businesses and homes are providing protection from burglary, robbery and fire by means of electronic alarm systems; and

Whereas the Chief of Police & Rescue of the Town of Winhall has indicated that human error, or mechanical malfunctions of criminal detection alarms in the Town of Winhall has resulted in a significant number of false alarms being signaled, to which the Police & Rescue and or Fire Departments must respond; and

Whereas the emergency response to each false alarm requires the deployment of personnel and vehicles to non-emergency situation and effectively removes those personnel and equipment from the designated service of protecting life and properties and causes unnecessary expenditure of public funds; and

Whereas reasonable regulation of the alarms should result in the significant decrease in false alarms with a result of saving of public resources; and

Whereas this increasing number of alarms has caused an increase in time and money in order to document, and properly manage such alarms; and

Now, therefore be it enacted by the Selectmen of the Town of Winhall, Bennington County, Vermont, on this _____ day of _____, 2024.

(Date of Amendment of the Ordinance)

E. Stuart Coleman, Chairman

William Schwartz, Vice-Chairman

Julie Isaacs, Member

ALARM ORDINANCE

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SECTION 1. PURPOSE

- (A) The purpose of this Ordinance is to encourage Alarm Users and alarm companies to properly use and maintain the operational effectiveness of Alarm Systems in order to improve the reliability of Alarm Systems and reduce or eliminate False Alarms.
- (B) This Ordinance governs Alarm Systems intended to summon law enforcement and/or fire and rescue department response, and requires registration, establishes fees, provides for penalties for violations, establishes a system of administration, and sets conditions for suspensions of police response or revocation of registration.

SECTION 2. DEFINITIONS

In this Ordinance the following terms and phrases shall have the following meanings:

- (A) **Alarm Administrator** shall be the Chief of Police, Fire Chief or his/her designee to administer, control and review False Alarm reduction efforts and administer the provisions of this Ordinance.
- (B) **Alarm Installation Company** means a Person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an Alarm System in an Alarm Site.
- (C) **Alarm Dispatch Request** means a notification to law enforcement agency or fire department that an alarm, either manual or automatic, has been activated at a particular Alarm Site.
- (D) **Alarm Registration** (or permits) means authorization granted by the Alarm Administrator to an Alarm User to operate an Alarm System.
- (E) **Alarm Site** means a single fixed premises or location served by an Alarm System or Systems. Each unit, if served by a separate Alarm System in a multi-unit building or complex, shall be considered a separate Alarm Site.
- (F) **Alarm System** means a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon law enforcement or fire department response, including Local Alarm Systems. Alarm System does not include an alarm installed in a vehicle or on someone's Person unless the vehicle or the personal alarm is permanently located a site.
- (G) **Alarm User** mean any Person, who (which) has contracted for Monitoring, repair, installation or maintenance service from an Alarm Installation Company or Monitoring Company for an Alarm System, or who (which) owns or operates an Alarm System which is not monitored, maintained or repaired under contract.
- (H) **Arming Station** means a device that allows control of an Alarm System.
- (I) **Automatic Voice Dialer** means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a Monitoring Company.

- (J) **Cancellation** means the process where response is terminated when a Monitoring Company (designated by the Alarm User) for the Alarm Site notifies the responding agency that there is not an existing situation at the Alarm Site requiring law enforcement agency or fire department response after and Alarm Dispatch Request.
- (K) **Conversion** means the transaction or process by which one Alarm Installation Company or Monitoring Company begins the servicing and/or Monitoring of a previously unmonitored Alarm System or an Alarm System previously serviced and/or monitored by another alarm company.
- (L) **Duress Alarm** means a silent Alarm System signal generated by the entry of a designated code into an Arming Station in order to signal that the Alarm User is being forced to turn off the system and requires law enforcement response.
- (M) **Key Box** means a secure key safe that mounts on the wall of a building. The only key available to open the box are in the possession of the fire department. When there is a fire alarm, the fire department can access the key box and use the building keys to enter the building rather than breaking into the building/residence. When there is a burglary alarm the police department can access the key box and use the building keys to enter the building rather than breaking into the building/residence.
- (N) **False Alarm** means an Alarm Dispatch Request to a law enforcement agency or fire department, when the responding law enforcement officer or fire department personnel finds no evidence of a criminal offense, attempted criminal offense, or any other matter that requires emergency response, or fire after having completed a timely investigation of the Alarm Site. Including but not limited to a Carbon Monoxide emergency or smoke investigation.
- (O) **Holdup Alarm** means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.
- (P) **Law Enforcement Authority** means the Town of Winhall, Chief of Police or another authorized representative of the Winhall Police & Rescue Department.
- (Q) **Local Alarm System** means any Alarm System, which is not monitored, that annunciates an alarm only at the Alarm Site.
- (R) **Monitoring** means the process by which a Monitoring Company receives signals from an Alarm System and relays an Alarm Dispatch Request to the municipality for the purpose of summoning law enforcement or fire department to the Alarm Site.
- (S) **Monitoring Company** means a Person in the business of providing Monitoring services.
- (T) **One Plus Duress Alarm** means the manual activation of a silent alarm signal by entering at an Arming Station a code that adds one to the last digit of the normal arm/disarm code (e.g., normal code = 1234, One Plus Duress Code = 1235)
- (U) **Panic Alarm** means an audible Alarm System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

(V) **Person** means an individual, corporation, partnership, association, organization or similar entity.

(W) **Responder (Caretaker)** means an individual capable of reaching the Alarm Site within 30 minutes and having access to the Alarm Site, the code to the Alarm System and the authority to approve repairs to the Alarm System.

(X) **SIA Control Panel Standard CP-01** means the ANSI – American National Standard Institute approved Security Industry Association – SIA CP-01 Control Panel Standard, as may be updated from time to time, that details recommended design features for security system control panels and their associated arming and disarming devices to reduce the incidents of false alarms. Control recognized testing organizations, will be marked to state: “Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction”.

(Y) **Takeover** means the transaction or process by which an Alarm User takes over control of an existing Alarm System, which was previously controlled by another Alarm User.

(Z) **Verify** means an attempt by the Monitoring Company, or its representative, to contact the Alarm Site by telephonic or other electronic means, whether or not actual contact with a Person is made, to determine whether an alarm signal is valid before requesting law enforcement or fire department dispatch, in a attempt to avoid an unnecessary Alarm Dispatch Request.

(AA) **Zones** means division of devices into which an Alarm System is divided to indicate the general location and type of alarm from which an Alarm System signal is transmitted.

SECTION 3. REGISTRATION REQUIRED; APPLICATION; FEE; TRANSFERABILITY; FALSE STATEMENTS

(A) No Alarm User shall operate, or cause to be operated, an Alarm System at its Alarm Site without a valid Alarm Registration. A separate Alarm Registration is required for each Alarm Site.

(B) **There is an annual fee for Alarm Registrations (see appendix C). The annual fee is due each January 1st of each year and there is no pro-rating the fee. So, for example if you register a “new” alarm in September, that fee registers the alarm for the remainder of that calendar year. The fee for the next calendar year shall be due January 1st.**

(C) Upon receipt of a completed Alarm Registration application form and fee, the Alarm Administrator shall register the applicant unless the applicant has:

- (1) Had an alarm registration for the Alarm Site suspended or revoked, and the violation causing the suspension or revocation has not been corrected.

(D) Each Alarm Registration application must include the following information:

- (1) The name, complete address (including apt/suite number), and telephone numbers of the Person who will be the registration holder and be responsible for the proper maintenance and operation of the Alarm System and payment of fees assessed under this article;
- (2) The classification of the Alarm Site as either residential (including apartment, condo, mobile home, etc.) or commercial;

- (3) For each Alarm System located at the Alarm Site, the classification of the Alarm System (i.e. burglary, Holdup, Duress, Panic Alarms or other) and for each classification whether such alarm is audible or silent;
- (4) Mailing address, if different from the address of the Alarm Site;
- (5) Any dangerous or special conditions present at the Alarm Site;
- (6) Names and telephone numbers of at least two individuals who are able to have agreed to:
 - (a) Receive notification of an Alarm System activation at any time;
 - (b) Respond to the Alarm Site within 30 minutes at any time; and
 - (c) Upon request can grant access to the Alarm Site and deactivate the Alarm System if necessary;
- (7) Type of business conducted at the commercial Alarm Site;
- (8) Signed certification from the Alarm User stating the following:
 - (a) The alarm site has been equipped with a Key Box, which has been installed properly and contains all items required by this ordinance.
 - (b) The date of installation, Conversion or Takeover of the Alarm System, whichever is applicable;
 - (c) The name, address, and telephone number of the Alarm Installation Company or companies performing the Alarm System installation, Conversion or Takeover and the Alarm Installation Company responsible for providing repair service of the Alarm System;
 - (d) The name, address and telephone number of the Monitoring Company if different from the Alarm Installation Company;
 - (e) That a set of written operating instructions for the Alarm System, including written guidelines on how to avoid False Alarms, have been left with the applicant by the Alarm Installation Company; and
 - (f) That the Alarm Installation Company has trained the applicant in proper use of the Alarm System, including on how to avoid False Alarms.
 - (g) The Alarm site shall have their 911 address visibly from the road. Contact the E911 coordinator from the Town of Winhall if you have questions regarding your 911 address.

(9) That law enforcement response may be influenced by factors including, but not limited to the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels, etc.

(E) Any false statement of a material fact made by an applicant for the purpose of obtaining an Alarm Registration shall be sufficient cause for refusal to issue a registration.

(F) An Alarm Registration cannot be transferred to another Alarm Site. An Alarm User shall inform the Alarm Administrator of any change that alters any of the information listed on the Alarm Registration application within five (5) business days of such change.

SECTION 4. KEY BOX REQUIRED

(A) Each free-standing building within the Town of Winhall having an automatic fire alarm system and or burglar alarm, shall be equipped with a Key Box purchased by the owner of the Alarm site. To purchase a key box, the owner must contact the Chief of Winhall Fire Department.

(B) All commercial and industrial properties within the Town protected by fences, gates, and related barriers presently secured by padlock, electronically operated or automatic gates, or other control circuits, shall be equipped with a Key Box as approved by the Fire Chief.

(C) Location: The Key Box shall be located eighteen inches on either side of the main entrance to the building or property. It shall be mounted at a height of between four and five feet above final grade, or as designated by the Fire Chief.

(D) Key Box Contents: The key lock box shall contain stamp-labeled keys, easily identified in the field to provide access into the property and/or building, and to any locked areas within said building and any accessory buildings, as may be further directed by the Fire Chief. The key lock box must also include contact information for the homeowner and the caretaker.

(E) The automatic fire alarm system user/owner shall promptly notify the Fire Chief, in writing of any change to this information.

(F) Maintenance of the Key Box is the responsibility of the system user/owner of the property. The owner shall notify the Winhall Fire Department if there are any issues with the key box.

(G) Effective Date: This Ordinance shall take effect upon final adoption and publication according to law.

(A) An Alarm User shall have a Vermont Licensed Alarm Installation Company inspect the Alarm System after two (2) False Alarms in one (1) calendar year. The Alarm Administrator may waive a required inspection if it determines that a False Alarm(s) could not have been related to a defect or malfunction in the Alarm System. After four (4) False Alarms within one (1) calendar year, the Alarm User must have a Vermont Licensed Alarm Installation Company modify the Alarm System to be false alarm resistant or provide additional user training as appropriate.

SECTION 5. DUTIES OF THE ALARM USER

(A) An Alarm user shall:

- (1) Maintain the Alarm Site and the Alarm System in a manner that will minimize or eliminate False Alarms;
 - (2) Make every reasonable effort to have a Responder to the Alarm System's location within 30 minutes when requested by the law enforcement or fire department agency in order to:
 - (a) Deactivate an Alarm System;
 - (b) Provide access to the Alarm Site; and/or
 - (c) Provide alternative security for the Alarm Site.
 - (3) Not activate an Alarm System for any reason other than an occurrence of an event that the Alarm System was intended to report.
- (B) An Alarm User shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an Alarm Site will sound for no longer than ten (10) minutes after being activated.
- (C) An Alarm User shall have a Vermont Licensed Alarm Installation Company inspect the Alarm System after two (2) False Alarms in one (1) calendar period. The Alarm Administrator may waive a required inspection if it determines that a False Alarm(s) could not have been related to a defect or malfunction in the Alarm System. After four (4) False Alarms within one (1) calendar year, the Alarm User must have a Vermont Licensed Alarm Installation Company modify the Alarm System to be more false alarm resistant or provide additional user training as appropriate. **(See Appendix A for Installers False Alarm Prevention Checklist).**
- (D) An Alarm User shall not use Automatic Voice Dialers.
- (E) An Alarm User shall maintain at each Alarm Site, a set of written operating instructions for each Alarm System. This includes annual maintenance of the key box by the alarm site property owner.
- (F) **Posting of a Designated Street Address.** The purpose of this Section is to safeguard the health and safety of the residents, businesses, and visitors to the Town of Winhall by providing clear and accurate street address information to police, fire and emergency medical responders who may be dispatched to the location in an emergency. Owners of all commercial and residential buildings, equipped with an alarm system in the Town of Winhall shall post the 911 street address number of the building in a location that is clearly visible from the road during all seasons of the year. Below are standards for displaying address numbers:
- a) Address Numbers must be a minimum of 3 inches high, 2 ½ inches wide and reflective.
 - b) A number shall be placed on the front of every addresses structure.
 - c) Mailboxes shall be marked, a number shall be displayed on the structure, if it is visible from the road.
 - d) If the structure is not visible and no mailbox is beside the driveway leading to the structure, a sign or number post shall be erected to display the number. This sign or number post could display the number either vertically (from the top) or horizontally (from the left).

- e) Share driveways shall be marked both at the beginning of the driveway and where the driveway splits to each specific structure.
- f) In Vermont, it is very important that the address number be placed high enough that it will not be obscured by snow during an average winter.

It is important to note that the municipalities have the legislative authority to require their residents to post their addresses. This is highlighted in 24 V.S.A. § 2291 (16).

SECTION 6. DUTIES OF ALARM INSTALLATION COMPANY AND MONITORING COMPANY

- (A) The Alarm Installation Company shall provide written and oral instructions to each of its Alarm Users in the proper use and operation of their Alarm Systems. Such instructions will specifically include all instructions necessary to turn the Alarm System on and off and to avoid False Alarms.
- (B) Upon the effective date of this Ordinance, Alarm Installation Companies shall not program Alarm Systems so that they are capable of sending One Plus Duress Alarms. Monitoring Companies may continue to report One Plus Duress Alarms received from Alarm Systems programmed with One Plus Duress Alarms prior to enactment of this Ordinance. However, upon the effective date of this Ordinance, when a Takeover or Conversion occurs or if an Alarm User requests an Alarm System inspection or modification pursuant to Section 5(C) of this Ordinance, and Alarm Installation Company must remove the One Plus Duress Alarm capability from such Alarm Systems.
- (C) Upon the effective date of this Ordinance, Alarm Installation Companies, shall not install a device to activate a Holdup Alarm, which is a single action, non-recessed button.
- (D) Ninety (90) days after enactment of this Ordinance, and conditioned upon reasonable availability, the Alarm Installation Companies shall, on new installations, use only alarm control panel(s) which meet SIA Control Panel Standard CP-01.
- (E) An alarm company shall not use Automatic Voice Dialers.
- (F) After completion of the installation of an Alarm System, an Alarm Installation Company employee shall review with the Alarm User the **Customer False Alarm Prevention Checklist (Appendix B) or an equivalent checklist approved by the Alarm Administrator.**
- (G) A Monitoring Company shall:
 - (1) Report alarm signals by using telephone numbers designated by the Alarm Administrator
 - (2) Verify every alarm signal, except a Duress or Holdup Alarm activation before requesting a law enforcement response to an Alarm System signal;
 - (3) Communicate Alarm Dispatch Requests to the municipality in a manner and form determined by the Alarm Administrator;
 - (4) Communicate Cancellations to the municipality in a manner and form determined by the Alarm Administrator;

- (5) Ensure that all Alarm Users of Alarm Systems equipped with a Duress, Holdup or Panic Alarm are given adequate training as to the proper use of the Duress, Holdup or Panic Alarm;
- (6) Communicate any available information (north, south, front, back, floor, etc) about the location on all alarm signals related to the Alarm Dispatch Request;
- (7) Communicate type of alarm activation (silent or audible, interior or perimeter);
- (8) Provide an Alarm User registration number when requesting law enforcement dispatch;
- (9) After an Alarm Dispatch Request, promptly advise the law enforcement agency if the Monitoring Company knows that the Alarm User or the Responder is on the way to the Alarm Site;
- (10) Attempt to contact the Alarm User or Responder within 24 hours via mail, fax, telephone or other electronic means when an Alarm Dispatch Request is made; and
- (11) Upon the effective date of this Ordinance, Monitoring Companies must maintain for a period of at least one (1) year from the date of the Alarm Dispatch Request, records relating to Alarm Dispatch Requests. Records must include the name, address and telephone number of the Alarm User, the Alarm System Zone(s) activated, the time of Alarm Dispatch Request and evidence of an attempt to Verify. The Alarm Administrator may request copies of such records for individually named Alarm Users. If the request is made within sixty (60) days of an Alarm Dispatch Request, the Monitoring Company shall furnish requested records within three (3) business days of receiving the request. If the records are requested between sixty (60) days to one (1) year after an Alarm Dispatch Request, the Monitoring Company shall furnish the requested records within thirty (30) days of receiving the request.

(H) An Alarm Installation Company and/or Monitoring Company that purchases Alarm System accounts from another Person shall notify the Alarm Administrator of such purchase and provide details as may be reasonably requested by the Alarm Administrator.

SECTION 6.1 LICENSE OR LICENSING

An Alarm Installation Companies and Monitoring Companies shall be properly licensed.

SECTION 7 DUTIES AND AUTHORITY OF THE ALARM ADMINISTRATOR

(A) The Alarm Administrator shall:

- (1) Designate a manner, form and telephone numbers for the communication of Alarm Dispatch Requests; and
- (2) Establish a procedure to accept Cancellation of Alarm Dispatch Requests.

(B) The Alarm Administrator shall establish a procedure to record such information on Alarm Dispatch Requests necessary to permit the Alarm Administrator to maintain records, including, but not limited to, the information listed below.

- (1) Identification of the registration number for the Alarm Site;

- (2) Identification of the Alarm Site;
 - (3) Date and time Alarm Dispatch Request was received, including the name of the Monitoring Company and the Monitoring operator name or number;
 - (4) Date and time of law enforcement officer arrival at the Alarm Site;
 - (5) Zone and Zone description, if available ;
 - (6) Weather conditions ;
 - (7) Name of Alarm User's representative at Alarm Site, if any;
 - (8) Identification of the responsible Alarm Installation Company or Monitoring Company;
 - (9) Whether law enforcement officer was unable to locate the address of the Alarm Site; and
 - (10) Cause of alarm signal, if known.
- (C) The Alarm Administrator shall establish a procedure for the notification to the Alarm User of a False Alarm. The notice shall include the following information:
- (1) The date and time of law enforcement response to the False Alarm;
 - (2) The identification number of the responding law enforcement officer; and
 - (3) A statement urging the Alarm User to ensure that the Alarm System is properly operated, inspected, and serviced in order to avoid False Alarms and resulting fines.
- (D) The Alarm Administrator may require a conference with an Alarm User and the Alarm Installation Company and/or Monitoring Company responsible for the repair or monitoring of the Alarm System to review the circumstances of each False Alarm.
- (E) The Alarm Administrator may require an Alarm User to remove a Holdup Alarm that is a single action, non-recessed button, if a false Holdup Alarm has occurred.
- (F) The Alarm Administrator will make a copy of this Ordinance and/or and Ordinance summary sheet available to the Alarm User.

SECTION 8. FINES / FEES

- (A) An Alarm User shall register each alarm by January 1st of each year. The Annual Fee to register each alarm is \$25.00.
- (B) The Town shall charge and collect from the automatic fire alarm system user the following fees for false alarms:
- (1) Each automatic fire alarm user shall be entitled to two (2) false alarms during a Calendar year, without being assessed a fine.

- (2) Twelve-month periods shall begin on January 1st of each year.
 - (3) Third and any subsequent false alarms within the twelve-month period shall result in a service charge of two hundred dollars (\$200.00) each.
 - (4) Preventable alarms resulting in accidental activation of an alarm system when reasonable steps were not taken to prevent a Fire Company and/or Police Response, shall result in a service charge of (\$200.00) each.
 - (5) Preventable alarms shall include, but not be limited to, work such as system testing, Fire drills, painting, welding, cooking, cleaning, sanding, and activation for non-emergency situations that do not warrant Fire Company response.
- (C) If cancellation occurs prior to law enforcement and/or fire department arriving at the scene, this is not a False Alarm for the purpose of fines, and no fee shall be assessed.

<u>Description</u>	<u>References</u>	<u>Fire Alarms</u>	<u>Other Alarms</u>
Annual Registration Fee	3-B	\$25.00	\$25.00
Fine - 1 st False Alarm	7-A-1	\$0.00	\$0.00
Fine – 2 nd False Alarm	7-A-1	\$0.00	\$0.00
Fine – 3 rd & Subsequent False Alarm	7-A-1	\$200.00	\$200.00
Operation of Non -Registered Alarm System/No Key Box Installed	7-B	\$100.00	\$100.00
False Alarm Caused by On Site Alarm Company Employee *	7-E	\$100.00	\$100.00
False Statement by an Alarm Co. Employee Making an On-going Site Inspection	7-G	\$500.00	\$500.00

* Or Home Contractor working for the Property Owner/Alarm Company

SECTION 9. NOTIFICATION

(A) The Alarm Administrator may suspend an Alarm Registration if it is determined that:

- (1) The Alarm User has three (3) or more False Alarms in a twelve (12) month period excluding Duress, Holdup or Panic Alarms;
- (2) There is a statement of material fact known to be false in the application for a registration;
- (3) The Alarm User has failed to make timely payment of a fine assessed under Section 8 or fee assessed under Section 3; or
- (4) The Alarm User has failed to submit a written certification from an Alarm Installation Company, that complies with the requirements of this article, stating that the Alarm System has been inspected and repaired (if necessary) and/or additional training has been conducted by the Alarm Installation Company.

(B) A Person commits an offense if he/she operates an Alarm System during the period in which his alarm registration is revoked and is subject to enforcement and penalties set in Section 8 and 13. A Monitoring Company commits an offense if it continues Alarm Dispatch Requests to an Alarm Site after notification by the Alarm Administrator that the registration has been revoked and is subject to enforcement and penalties set forth in Section 13.

(C) If the Alarm Registration is reinstated pursuant to Section 12, the Alarm Administrator may again suspend the Alarm Registration by again revoking the Alarm Registration if it is determined that 2 False Alarms have occurred within ninety (90) days after the reinstatement date.

SECTION 10. SUSPENSION OF ALARM REGISTRATION

(A) The Alarm Administrator may suspend an Alarm Registration if it is determined that;

- (1) The Alarm User has 3 or more False Alarms in a twelve (12) month period excluding Duress, Holdup or Panic Alarms;
- (2) There is a statement of material fact known to be false in the application for a registration;
- (3) The Alarm User has failed to make timely payment of fine assessed under Section 8 or fee assessed under Section 3; or
- (4) The Alarm User has failed to submit a written certification from an Alarm Installation Company, that complies with the requirements of this article, stating that the Alarm System has been inspected and repaired (if necessary) and/or additional training has been conducted by the Alarm Installation Company.

(B) A Person commits an offense if he/she operates and Alarm System during the period in which his alarm registration is revoked and is subject to enforcement and penalties set in Section 8 and Section 12. A Monitoring Company commits and offense if it continues Alarm Dispatch Requests to an Alarm Site after notification by the Alarm Administrator that the registration has been revoked and is subject to enforcement and penalties set forth in Section 12.

(C) If the Alarm Registration is reinstated pursuant to Section 11, the Alarm Administrator may again suspend the Alarm Registration by again revoking the Alarm Registration if it determined that 2 False Alarms have occurred within ninety (90) days after the reinstatement date.

SECTION 11. APPEALS

(A) If the Alarm Administrator assesses a fine or denies the issuance of an Alarm Registration, the Alarm Administrator shall send written notice by certified mail of the action and a statement of the right to an appeal to either the affected applicant or Alarm User and the Alarm Installation Company and/or Monitoring Company.

(B) The Alarm User, Alarm Installation Company or Monitoring may appeal a revocation of an Alarm Registration to the Alarm Administrator by setting forth in writing the reasons for the appeal within fifteen (15) business days after receipt of the fine or notice of revocation.

(C) The Alarm User or the Alarm Installation Company or Monitoring Company may appeal the decision of the Alarm Administrator to the Winhall Selectboard as follows:

The Winhall Selectboard shall conduct a formal hearing within sixty (60) days of the receipt of the request and consider the evidence by any interested Person(s). The Winhall Selectboard shall make its decision on the basis of the preponderance of evidence presented at the hearing. The Winhall Selectboard must render a written decision within thirty (30) days after the date of the hearing. The Winhall Selectboard shall affirm or reverse the decision of the Alarm Administrator.

(D) Filing of a request for appeal shall stay the action by the Alarm Administrator or the payment of a fine, until the Winhall Selectboard has completed its review. If a request for appeal is not made within a twenty (20) business day period, the action of the Alarm Administrator is final.

(E) Alarm Administrator or Winhall Selectboard may adjust the count of False Alarms based on:

- (1) Evidence that a False Alarm was caused by an Act of God;
- (2) Evidence that a False Alarm was caused by action of the telephone company;
- (3) Evidence that a False Alarm was caused by a power outage lasting longer than four (4) hours;
- (4) Evidence that the Alarm Dispatch Request was not a False Alarm;
- (5) In determining the number of False Alarms, multiple alarms occurring in any twenty-four (24) hours period shall be counted as one False Alarm; to allow the Alarm User time to take corrective action unless the False Alarms are directly caused by the Alarm User.

(F) With respect to fines of an Alarm Installation Company or Monitoring Company the Alarm Administrator or Winhall Selectboard may take into consideration whether the alarm company had engaged in a consistent pattern of violations.

SECTION 12. REINSTATEMENT

(A) A Person whose Alarm Registration has been revoked may, at the discretion of the Alarm Administrator or the Winhall Selectboard, have the Alarm Registration reinstated by the Alarm Administrator or the Winhall Selectboard if the Person:

- (1) Submits a new application and pays a reinstatement fee (Section 8 – Fines and Fees);
- (2) Pays, or otherwise resolves, all outstanding citations and fines; and
- (3) Submits a certification from an Alarm Installation Company, stating that the Alarm System has been inspected and repaired (if necessary) by the Alarm Installation Company;

(B) In addition, the Alarm Administrator may require one or more of the following as a condition to reinstatement:

- (1) Proof that an employee of the Alarm Installation Company or Monitoring Company caused the False Alarm;

- (2) Upgrade the alarm control panel to meet SIA Control Panel Standard CP-01;
- (3) A written statement from an independent inspector designated by the Winhall Selectboard that the Alarm System has been inspected and is in good working order;
- (4) Confirmation that the Alarm System requires two independent zones to trigger before transmitting an alarm signal to the Monitoring Company;
- (5) Certification that the Monitoring Company will not make an Alarm Dispatch Request unless the need for law enforcement or fire department is confirmed by a listen-in device;
- (6) Certification that the Monitoring Company will not Request an Alarm Dispatch unless the need for law enforcement or fire department is confirmed by a camera device; or
- (7) Certification that the Monitoring Company will not make an Alarm Dispatch Request unless the need for law enforcement or fire department is confirmed by a Person at the Alarm Site.

SECTION 13. ENFORCEMENT AND PENALTIES

Enforcement of this Ordinance shall be by civil action in accordance with the provisions of 24 VSA § 1974 (a) and § 1977, and is incorporated by reference in Section 8, Fines and Fees for violations of this Ordinance.

SECTION 14. CONFIDENTIALITY

In the interest of public safety, all information contained in and gathered through the Alarm Registration applications and applications for appeals shall be held in confidence by all employees or representatives of the municipality and by any third-party administrator or employees of a third-party administrator with access to such information.

SECTION 15. GOVERNMENT IMMUNITY

Alarm Registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of response. Any and all liability and consequential damage resulting from the failure to respond to a notification is hereby disclaimed and governmental immunity as provided by law is retained. By applying for an Alarm Registration, the Alarm User acknowledges that law enforcement or fire department response may be influenced by factors such as: the availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

SECTION 16. SEVERABILITY

The provisions of this Ordinance are severable. If a court determines that a word, phrase, clause, sentence, paragraph, subsection, section, or other provision is invalid or that the application of any part of the provision to any Person or circumstance is invalid, the remaining provisions and the application of those provisions to other Persons or circumstances are not affected by that decision.

Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 17. UNDERGROUND PROPANE TANK REQUIREMENTS

The homeowner is responsible for properly marking the location of their underground propane tank. The homeowner is required to have a 4-foot-tall sign or marker with yellow at the top of the sign/marker to indicate the location of the underground propane tank. There must be a label on the inside of the propane tank that indicates the owner of the tank and which company maintains the tank with their contact information.

Appendix A:

TOWN OF WINHALL

INSTALLER FALSE ALARM PREVENTION PROGRAM CHECKLIST

1. If a duress feature was installed, I thoroughly explained it and I did not program the system so that the duress code is only one digit different than the normal code.
2. I checked that the control panel has been programmed so that:
 - a. It will not transmit more than one (1) alarm signal from the same zone until manually restored at the premises;
 - b. It will delay at least fifteen seconds before initiating dialing on intrusion alarm signals;
 - c. It has adequate delay time on entry/exit doors (delay of 45 seconds or more is recommended); and
 - d. A cancel code can be entered by the customer to cancel accidental alarms.
3. I checked that police and fire panic buttons cause a siren or speaker to sound and that medical panic buttons cause an audible signal.
4. I checked that the Arming Station(s) emit sound to inform occupants when an entry/exit door sensor has been triggered.
5. I installed and tested standby/backup power.
6. I reviewed the "Customer False Alarm Prevention Checklist" with the customer.
7. I determined whether the customer had special telephone features, such as call waiting or DSL, and took appropriate steps to allow proper control panel dialing and monitoring center verification (such as *70 for call waiting, etc.)
8. I checked the control panel was properly grounded to the manufacturer's specifications.
9. I checked that all doors and window contacts were properly selected, installed and tested. I considered loose fitting doors and windows, whether wide gap contacts were needed, and steel doors and windows. I followed the manufacturer's installation instructions.
10. I checked all glass breakage sensors were properly selected, installed and tested. I gave consideration to pets, on-site noises and the general environment. I followed the manufacturer's installation instructions.
11. All motion type detectors were properly selected, properly installed and tested. I gave consideration to pets, sunlight, other heat sources, and harsh environments. I followed the manufacturer's installation instructions.

Please explain if you did not complete an item(s) on this checklist: _____

Installation Technician – Alarm Company Name: _____

Technician Printed Name

Signature & Date

Appendix B:

**TOWN OF WINHALL
CUSTOMER FALSE ALARM PREVENTION CHECKLIST**

1. I have been made aware of the applicable alarm ordinance and I will comply with its requirements.
2. I understand it is my responsibility to prevent false alarms, and I understand it is critical and my responsibility to assure that all users of the system (such as residents, employees, guests, cleaning people and repair people) are trained on the proper use of the alarm system.
3. I have been trained in the proper operation of the system and have been given an operating sheet summarizing the proper use of the system, as well as the security system operating manual.
4. I know how to turn off motion detectors while leaving other sensors on. (Residential Only)
5. I know how to test the system, including the communication link with the monitoring center.
6. I understand that my entry time is _____ and my exit time is _____.
7. I have the alarm company phone number to request repair service or to ask questions about the alarm system.
8. I know how to cancel an accidental alarm activation and have the system cancellation code or code word.
9. I understand that indoor pets can cause false alarms and I will contact my alarm company to adjust the system if I acquire any additional indoor pets.
10. I understand that the main control panel and transformer are located in _____.
11. I have received an alarm sheet, which describes how the alarm company will communicate with me in the event of various alarm signals.
12. I understand the importance of:
 - Keeping my emergency contact information updated and I know how to do this;
 - Immediately advising the alarm company if my phone number changes (including area code changes); and
 - Immediately advising the alarm company of any other changes to my telephone service such as call waiting or a fax line.
13. I will advise the alarm company if I do any remodeling (such as painting, moving walls, doors or windows).

14. I understand that certain building defects (such as loose-fitting doors or windows, rodents, inadequate power, and roof leaks) can cause false alarms. I will correct these defects as I become aware of them.

15. The alarm company has given me written false alarm prevention techniques to help me prevent false alarms.

Comments:

ALARM COMPANY

By: _____

CUSTOMER

Printed Name(s)

Signature(s)

Date

WINHALL POLICE & RESCUE

PO BOX 139

BONDVILLE, VT 05340

Alarm Registration Form

FOR OFFICE USE ONLY

Date Received: _____

\$25.00 Fee Received

_____ Year of Registration

Check

Cash

Check No. _____

Please Print Clearly & Complete all Fields (N/A where not applicable)

I. Applicant Information: Phone: _____

Full Name of Resident/Occupant/Business Date of Birth

911 Alarm Site Address

Mailing Address (if different from alarm location address)

City, State, Zip

VT Residence Phone#: _____ Alternate Phone: _____

Email contact (required): _____

Cameras on premises? If so, location(s) _____

Knoxbox: yes _____ no _____

II. Alarm Company: _____

Phone Number: _____

III. Caretaker Information: _____

Phone#: _____ Alternate Phone#: _____

Notes: _____

Signature: _____ Date: _____