

TOWN OF GOFFSTOWN

ORDINANCE

EMERGENCY ALARM DEVICE/SYSTEM REGULATIONS

SECTION I: SHORT TITLE

This article shall be known and cited as: Emergency Alarm Device/System Ordinance.

SECTION II: PURPOSE

- A. The purpose of this ordinance is to encourage security alarm users and alarm businesses (sales, installation, customer service, and/or monitoring) to maintain operational reliability of and proper use of alarm devices/systems to limit or prevent unnecessary police emergency response to false alarms, thereby protecting emergency response capabilities of that agency.
- B. This ordinance governs burglary, robbery and panic alarm systems; requires device system permits, establishes reasonable fees; provides for penalties for violations of this ordinance, establishes a system of administration and appeal, and sets conditions applicable for suspension or loss of permit.

SECTION III: DEFINITIONS

For the purposes of this ordinance, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

ADMINISTRATOR – A person or persons, normally the Chief of Police or his/her designee responsible for administration, control, and review of alarm applications, permits, false alarm notification (F.A.N.) and processing violations of this ordinance.

ALARM NOTIFICATION – A notification usually by electronic means, intended to summon a police emergency response, by design to be initiated by a person (panic/robbery alarms) or by an automated alarm system responding to an alarm stimulus indicating an unauthorized intrusion or activity. NOTE: Multiple false alarms notifications occurring within a 24-hour period shall be counted as a single F.A.N. when the permit holder's alarm maintenance company certifies, in writing, that the alarm notifications were not attributed to operator error.

ALARM NOTIFICATION REVIEW - All alarm notifications will be reviewed by the Chief of Police (Alarm Administrator) or his designee.

ALARM SITE – A single premise or location served by an alarm system or systems.

ALARM SYSTEM – a device/system that emits, transmits or relays a signal to summon, or that would reasonably be expected to summon an emergency police response. **Alarm System** does **not** include the following devices/systems:

- (1) Vehicle alarms, unless the vehicle is permanently located on a site.
- (2) Alarms designed to alert inhabitants of a premises that does not have a local alarm or managed alarm.
- (3) Fire alarms.

CHIEF – The Chief of Police for the Town of Goffstown.

FALSE ALARM NOTIFICATION (F.A.N.) - An alarm notification to the police department, when the responding officer/s find no evidence of a criminal offense or

attempted criminal offense, or when the alarm is activated through accident, operator error or misuse, or neglect of the system by the owner/lessee of the alarm system.

Specifically excluded from F.A.N. are the following:

- (1) Alarms occurring during electrical storms, hurricanes, tornados, blizzards, floods or other "Vis Major" ("Acts of God");
- (2) Disruption or intermittent disruption of telephone circuits associated with the alarm system which are beyond the control of the alarm company or alarm user;
- (3) Electrical disruption or failure;
- (4) Alarms caused by failure of equipment at the police department;
- (5) Other extraordinary circumstances not reasonably foreseeable and not reasonably subject to contract by the alarm permit holder.

ALARM PERMIT YEAR – The period from January 1st to December 31st each year.

LOCAL ALARM – An alarm system that emits a signal at an alarm site that is audible from the exterior of a structure.

PERMIT HOLDER – The person designated in the alarm application as required by the Ordinance who is responsible for responding to alarms and providing access to the site for police responders, and who, by this Ordinance, is responsible for the proper maintenance and operation of the alarm system and for payment in full of all fees and penalties as set by this Ordinance.

PERSON – Any natural person, individual, corporation, partnership, association, organization and other legal or similar entity.

SECTION IV: ALARM PERMITS REQUIRED

No person shall install, maintain or operate any alarm system as herein defined in the Town of Goffstown without first obtaining a permit. Therefore separate permits are required for each and every alarm system.

- A. Issuance of alarm permits shall be by the Chief of Police after receipt of a completed alarm permit application.

Alarms owned, operated or leased by any federal, state, county or local government may be exempted from the above fees.

- B. Required information in permit application:

- (1) Alarm owner's address, residence, business and cellular telephone numbers;
- (2) Exact location of building subject to alarm permit;
- (3) Diagram or blueprint of both interior and exterior of alarmed building;
- (4) Description of alarm system and where master control is located;
- (5) Name, address and home, business and cellular phone numbers of person/s to be contacted as part of a F.A.N. or emergency; such person/s should have a key or access to the alarmed premises and must be able to reset the alarm system.
- (6) Name, business address and telephone number/s of the entity responsible for maintenance or repair of the alarm system.
- (7) Classification of type of site (residential, commercial, apartment).
- (8) Date of installation.

- (9) Purpose of system.
- (10) Other information as required by the issuing authority.
- C. The Chief of Police, upon review of the alarm permit application, and upon compliance with all the above requirements and payment of all fees due and owed, shall issue an alarm permit to the applicant to allow installation, operation and maintenance of same.
 - (1) Permits must be renewed on or before December 31st every year
 - (2) Any change/s of the information required in the initial permit application must be reported to the Chief, in writing, within 7 days of said change/s occurring.
 - (3) Alarm permits will not be granted if:
 - a. Applicant owes outstanding fees or has failed/refused to pay any penalty assess for violation/s of this ordinance;
 - b. Has had an alarm permit for the same site revoked, and the problem/violation which resulted in the revocation has not been corrected.
- D. It is a violation of this ordinance for any person to install, maintain or operate any alarm system in the Town of Goffstown without a permit issued by proper authority.
 - (1) Operation of an alarm system in violation of any section of this ordinance (specifically including operation of an alarm system when a permit has been revoked) shall be punishable by a fine of not less than \$100.00, up to a maximum fine of \$1,000.00 if convicted.
- E. Any false statement in an alarm application permit shall be sufficient cause to revoke or to refuse issuance of an alarm permit.
- F. Alarm permits are not transferable, and **original permits** issued between July 1st and December 31st of each year will be valid until December 31st next year.
- G. All fees must be paid before issuance or renewal of any alarm permit.
- H. Alarm permit renewal shall be annually by December 31st and renewed for a 1 year (12 month) period. It is the responsibility of the alarm permit holder to submit their application before the December 31st date.
 - (1) Permits may be renewed at any time during the month of December for the ensuing year.
- I. Failure to renew a permit shall be classified as illegal use of an alarm system without a permit, and citations and penalties shall be assessed without waiver.

SECTION V: PROPERTY ALARM SYSTEMS OPERATION AND MAINTENANCE.

- A. A permit holder or person in control of an alarm system shall:
 - (1) Maintain the premises and the alarm system in a manner that will minimize or eliminate false alarm notifications.
 - (2) Respond or cause his representative to appear at the systems location within a reasonable period of time when notified by the Town to deactivate a malfunctioning alarm system, to provide access to the premises, or to provide security for the premises.
 - (3) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report.

- B. All alarm systems will have an automatic reset which silences the annunciator within 15 minutes after activation and which will not sound again as a result of the same event that resulted in the original activation.

SECTION VI: ALARM SYSTEM OPERATING INSTRUCTIONS.

A person in control of an alarm system shall maintain at each alarm site a complete set of written operating instructions for each alarm system. Special codes, combinations, or passwords should not be included in these instructions.

SECTION VII: SYSTEM PERFORMANCE REVIEWS.

If there is a reason to believe that an alarm system is not being used or maintained in a manner that insures proper operation and suppresses false alarm, the Chief may require a conference with an alarm permit holder and the individual or association responsible for maintenance of the alarm system to review the circumstances of each false alarm.

SECTION IX: ALARM DISPATCH RECORDS.

- A. The officer responding to a dispatch resulting from a burglary, robbery, panic, or trouble alarm notification shall record such information as necessary to permit the Chief to maintain records, including, but not limited to, the following information:
 - (1) Identification of the permit holder.
 - (2) Identification of the alarm site.
 - (3) Arrival time and dispatch received time.
 - (4) Time of day, date.
 - (5) Weather conditions.
 - (6) Area and/or sub-area of premise involved.
 - (7) Name of permit holder's representative on premises.
 - (8) If any permit holder's representative fails or refuses to respond the names of the individuals contacted shall be noted in the departmental computer in the comment field under the call for service.
- B. The responding police officer shall indicate whether the notification was caused by a criminal offense, an attempted criminal offense, or a false alarm.
- C. In the case of an assumed false alarm (when a permit holder representative fails or refuses to respond) the responding police officer shall leave notice at the alarm site that the Police Department has responded to a false alarm notification. The notice must include the following information:
 - (1) The date and time of police response to the false alarm notification.
 - (2) The identification number of the responding police officer.
 - (3) A statement urging the permit holder to ensure the alarm system is properly operated and maintained in order to avoid service fees.

SECTION X: FALSE ALARM NOTIFICATION (F.A.N.).

- A. The holder of an alarm permit or the person in control of an alarm system shall be subject to warning, fines and suspension or loss of the permit (any alarm owned, operated, or leased by any federal, state, county, or local government agency will not be subject to fines), depending on the number of false alarm notifications emitted from an alarm system within any 12-month period.
- B. Number of false alarm notifications; action taken.

- (1) For the first three false alarm notifications, no action will be taken.
- (2) The activation of four or more false alarms within a continuous 12-month period, will be handled according to the following schedule which may be modified (after appropriate public hearings) from time to time by the Board of Selectmen as the need arises:
 - a. The fourth and fifth false alarms will be billed at \$100 service charge per occurrence, which shall be considered a bill owed by the permit holder to the Town. Each \$100 service charge incurred for the fourth and fifth false alarms at the premises described in the permit holder's permit shall be paid within 30 days from date of receipt thereof. Failure to make payment within 60 days from date of receipt shall result in revocation of the permit holder's permit until payment is received.
 - b. The sixth false alarm shall result in a \$250 service charge (which includes a \$25 reinstatement fee) which shall be considered a bill owed by the permit holder to the Town and revocation of the permit holder's permit in the following manner:
 - 1) The permit holder shall be given ten days advance written notification that the permit holder's permit will be revoked. The written notice shall set forth the reasons for such revocation.
 - 2) The notice shall specify the specific date of revocation, and that any response by the Police Department will result in an assessment of \$250 to alarms that occur at the premises described in the permit after the date of revocation, in addition to any other fees incurred under this schedule.
 - 3) Reinstatement of the permit will be made upon receipt of all fees owed to the Town under this chapter and upon compliance with the following conditions:
 - a. After the sixth false alarm, the alarm permit holder shall be required to have his alarm system inspected by a licensed and certified installer. Certificate of such inspection will be sent to the Police Department, a copy of the inspection will be posted on the premises where the alarm system is maintained. The certificate will indicate the date of the inspection and the typed name and signature of the inspector.
 - b. A letter from the inspector will accompany the certificate, explaining what corrective action was taken to assure against further false alarms, either by repairing the systems, checking for proper installation and/or training the user in the proper use of the system.
 - c. The seventh false alarm and each subsequent false alarm, the permit holder's permit shall be revoked in the manner described in division (B)(b)1. through 3. of this section and also that an inspection of the premises shall be conducted by a representative of the Police Department, along with a representative

of the permit holder's alarm company and a representative of the permit holder. The seventh false alarm and each subsequent false alarm will be billed a \$500 service charge, which shall be considered a bill owed by the permit holder to the Town.

- C. Any person who operates a newly installed system will not be subject to false alarm notifications action during the 30 days following the system completion provided a permit application is received by the Chief. The completion date shall be certified by a person where the system is professionally installed, or the date of the purchase receipt for self-installed systems.
- D. Any person operating a non-permitted alarm system will be subject to a citation and assessment of a minimum \$100 fee for each alarm without benefit of the notifications provided for in this section. Subsequent submittal of an alarm permit application shall have all previously received alarms counted in accumulating the five notification total.
- E. Alarm activations, caused by actual criminal offense or with evidence of a criminal attempt, shall not be counted, nor false alarm notifications accumulated.

SECTION XI. REVOCATION OR LOSS OF ALARM PERMIT.

- A. The Chief may revoke an alarm permit if it is determined that:
 - (1) There is a false statement of a material matter in the application for a permit.
 - (2) The permit holder has violated any of the preceding sections of this ordinance.
 - (3) The permit holder has failed to make payment within 60 days of a fee assessed under this ordinance.
 - (4) Six or more false alarm notifications have been emitted from the alarm site within a 12-month period.
- B. A person commits an offense if he operates an alarm system during the period in which an alarm permit is revoked.

SECTION XII. APPEAL FROM DENIAL OR REVOCATION.

- A.
 - (1) If the Chief denies the issuance or renewal of a permit, or revokes a permit, he shall send written notice of his action and a statement of the right to an appeal by certified mail, return receipt requested, to both the applicant or permit holder and the applicable alarm installing or service company.
 - (2) The applicant or permit holder may appeal the decision of the Chief to the Board of Selectmen, by filing a written request for a review, setting forth the reasons for the appeal within ten days, after receipt of the notice from the Chief.
 - (3) Filing a request for appeal shall stay the action by the Chief of revoking the permit until the Board of Selectmen has completed its review. If a request for appeal is not made within the ten-day period, the action of the Chief is final.
 - (4) A review ordered under this ordinance requires the attendance of both permit holder and applicable alarm company.

(5) The Board of Selectmen shall be the sole authority in the final determination of any waiver request of any kind not specifically exempted elsewhere within this chapter.

B. Permit holders shall be entitled to a hearing, if requested within 30 days of receipt of notice of a sustained revocation of permit or false alarm notifications action taken. The hearing shall be conducted by the Board of Selectmen and will be an informal hearing where the rules of evidence shall not apply.

C. The Board of Selectmen shall conduct the hearing and consider the evidence of any interested persons. The Board shall make their decision on a basis of a preponderance of the evidence presented at the hearing. The Board must render a decision within ten days after the hearing. The Board shall affirm, reverse, or modify the action of the Chief. The decision of the Board is final as to administrative remedies of the Town.

SECTION XIII. REINSTATEMENT OF PERMIT.

A person whose alarm permit has been revoked may be issued a new permit if the person:

- A. Pays or otherwise resolves, all fees assessed against the permit holder under this chapter; and
- B. Upon submission of certification from a professional alarm company, stating that the alarm system has been inspected and maintained by, or with the direct supervision and approval of the alarm company.

SECTION XIV. RESERVATION OF RIGHT TO DISCONNECT.

The Chief of Police or his/her designee reserves the right to order a disconnect of any alarm that is in, or remains in disrepair, or if the owner is a habitual F.A.N. violator or fails to comply consistently with this ordinance or any specific section hereof.

SECTION XV. LIABILITY OF TOWN LIMITED.

The Police Department of the Town of Goffstown shall take every reasonable precaution to assure that the alarm notifications received by the Police Department are given appropriate attention and are acted upon with dispatch. Nevertheless, the Police Department, the Town of Goffstown, or any of its officers or agents, shall not be liable for any defects in operation of the alarm devices, for any failure or neglect to respond appropriately upon receipt of an alarm notification, for the failure or neglect of any person in connection with the installation and operation of alarm devices or their components, the transmission of alarm signals, or the relaying of such signals and notification. In the event the Police Department finds it necessary to disconnect an alarm device, the Police Department, the Town of Goffstown or any of its officers or agents shall incur no liability therefore.

PUBLIC HEARINGS: 8/25/2008 & 9/8/2008
ADOPTED BY BOARD OF SELECTMEN: 9/22/2008
EFFECTIVE DATE: 10/1/2008

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