

## **Town of Dover Fire and CO Alarm System Ordinance**

### **I. AUTHORITY**

This Ordinance is adopted by the Selectboard of the Town of Dover, Vermont under authority granted in 24 VSA §§ 1971 and 2291 (14), (15).

### **II. PURPOSE:**

The purpose of this Ordinance is to encourage Alarm Users, along with Alarm Companies, to properly use and maintain the operational effectiveness and proper utilization of Alarm Systems and to reduce or eliminate False Alarms which may unduly divert fire department personnel.. This ordinance is enacted to mandate responsible use by those protected by automatic fire alarm systems which includes maintaining equipment so that it is not susceptible to false alarms by system failure and requires registration, establishes fees, provides for penalties for violations, establishes a system of administration, and sets conditions for suspension or loss of registration.

### **III. DEFINITIONS:**

**Alarm Administrator** means a Person or Persons designated by the Town's Legislative Body to administer, control and review False Alarm reduction efforts.

**Alarm Company** means the business, by an individual, partnership, corporation or other entity that sells, leases, maintains, services, repairs, alters, replaces, moves, installs or monitors an Alarm System in an Alarm Site.

**Alarm Dispatch Request** means a notification to Company that an alarm, either manual or automatic, has been activated at a particular Alarm Site.

**Alarm Registration** means the notification to the Alarm Administrator by an Alarm Company or an Alarm User, using the Alarm Registration form, that an Alarm System has been installed and is in use.

**Alarm Registration Fee** means the monies paid to the Town of Dover by the Alarm User which must accompany the Alarm Registration.

**Alarm Registration Form** means the form developed by the Alarm Administrator for the purpose of alarm registration.

**Alarm Site** means a single fixed premises or location served by an Alarm System or systems. Each tenancy, if served by a separate Alarm System in a multi-tenant building, condominium or complex shall be considered a separate Alarm Site.

**Alarm System** means a device or series of devices, including, but not limited to, systems interconnected with a radio frequency method such as cellular or private radio signs, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon service of the municipality, including Local Alarm System. Alarm System does not include an alarm installed on a vehicle unless the vehicle is permanently located at a site.

**Automatic Fire Alarm System** shall mean any mechanism or device that is used in a building or premise for the detection of fire and which is designed to transmit to any receiving station a signal, message, warning or other indication of an occurrence requiring fire department response. Also included are systems that monitor for carbon monoxide gas.

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

**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 Company

**Cancellation** is the process by which an Alarm Company providing Monitoring verifies with the Alarm User or responsible party that a false dispatch has occurred and that there is not an existing situation at the Alarm Site requiring Company response.

**Company** shall mean the West Dover Fire Department (WDFD).

**Conversion** means the transaction or process by which on Alarm Company begins Monitoring of a previously unmonitored Alarm System or an Alarm System previously monitored by another Alarm Company

**False Alarm** for the purpose of this ordinance shall mean the activation of a fire alarm by other than what is determined to be a legitimate emergency. Examples include but are not limited to alarms activated through inadvertence, negligence, accident testing without prior notification, faulty installation, improper equipment or maintenance, or alarms intentionally activated for purposes other than for a legitimate emergency. An alarm signal caused by violent conditions of nature or other extraordinary circumstances beyond the control of the User does not constitute a false alarm.

**Knox Box** shall mean a lock box with a key to access a building. Please see the West Dover Fire Department Knox Box policy for details.

**Local Alarm System** means any Alarm System that annunciates an alarm only by an internal or external audio device.

**Monitoring** means the process by which an Alarm Company receives signals from an Alarm System and relays an Alarm Dispatch Request to the Company for the purpose of summoning a response to the Alarm Site.

**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.

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

**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.

**Verify** means an attempt, by the Alarm 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, before requesting Company dispatch, in an attempt to avoid an unnecessary Alarm Dispatch Request.

#### **IV. AUTOMATIC VOICE DIALER PROHIBITION**

It shall be unlawful to install, operator, or use an Automatic Voice Dialer in the Town of Dover. The installation, operation or use of an Automatic Voice Dialer shall result in the imposition of an Automatic Voice Dialer Penalty.

#### **V. ALARM SYSTEM REGISTRATION**

No Alarm User shall operate, or cause to be operated, an Alarm System at an Alarm Site without a valid Alarm Registration issued by the Alarm Administrator. A separate Alarm Registration is required for each alarm site.

The Alarm Registration Form and Alarm Registration Fee, established by the Selectboard of the Town of Dover, must be submitted to the Alarm Administrator within five (5) days after the installation of an Alarm System or an Alarm System Takeover.

Upon receipt of a completed Alarm Registration Form and payment of the Alarm Registration Fee, the Alarm Administrator shall register the applicant unless the applicant has:

- (1) Failed to pay a fine assessed as provided in this Ordinance; or
- (2) Had an alarm registration for the Alarm Site suspended or revoked, and the violation causing suspension or revocation has not been corrected; or
- (3) Has not complied with Section V1(8) of this ordinance.

An Alarm Registration shall expire on November 1 and must be renewed biennially, or every two years, by submitting a new Alarm Registration Form and Alarm Registration Fee to the Alarm Administrator. The WDFD shall notify each Alarm User of the need to renew at least thirty (30) days prior to the expiration date.

Any false statement of a material fact made by an Alarm User for the purpose of obtaining an Alarm Registration shall be sufficient cause for refusal to issue or renew a registration.

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

All fees owed by an applicant must be paid before an Alarm Registration may be issued or renewed.

It is recommended that any registered Alarm System user who does not have 24 hours/365 day a year on site security or maintenance personnel should install a "Knox Box" system to allow for access to the building. The "Knox Box" shall be installed as per the "Knox Box" installation guidelines and approval of the Fire Chief.

**Compliance:** All Existing buildings shall comply with the provisions of the Ordinance within six (6) months of its effective date. All newly constructed buildings, not yet occupied, or buildings currently under construction shall comply with the terms hereof prior to occupancy. Any property or building owner failing to comply with, or in violation of the terms of this Ordinance after notice from the WDFD shall be subject to a fine as specified in the attached addendum.

**Audible On-Site Alarms:** Audible, non monitored, on-site alarms which may be heard in any public place shall be equipped and maintained to shut off no longer than sixty (60) minutes after being activated. All alarms that are not in conformance with this section on the effective date of this Ordinance must come into conformance no later than six (6) months after that date.

## **VI. DUTIES OF THE ALARM USER:**

An Alarm User:

- (1) Shall maintain the premises and the Alarm System in a manner that will minimize or eliminate False Alarms;
- (2) Shall use every reasonable effort to respond or have a registered caretaker to respond to the Alarm System's location within twenty (20) minutes when notified by the Company to deactivate a malfunctioning Alarm System, to provide access to the premises, or to provide alternative security for the premises;

- (3) Shall not manually activate an alarm for any reason other than an occurrence of an event that the Alarm System was intended to report;
- (4) 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 more than five (5) minutes after being activated (or fifteen (15) minutes for systems operating under Underwriters Laboratories, Inc. standards 365 or 609);
- (5) Shall have a properly trained Alarm Company inspect the Alarm System after two (2) False Alarms in a one (1) year period from the date of registration issuance or renewal. The Alarm Administrator may waive an inspection requirement if it determines that a False Alarm(s) could not have been related to a defect or malfunction of the system. After four (4) False Alarms within a one (1) year period from the date of registration issuance or renewal the Alarm User must have a properly trained Alarm Company modify the Alarm System to be more False Alarm resistant or provide additional user training as appropriate;
- (6) Shall maintain at each Alarm Site, a set of written operating instructions for each Alarm System;
- (7) Shall provide to the Alarm Administrator as part of the Alarm Registration Form, the name and telephone numbers of no fewer than two (2) key holders/caretakers who are able and have agreed to receive notification of alarm activation **at any time**. Upon request, said key holders/caretakers shall respond to the Alarm Site within twenty (20) minutes and grant access to the Alarm Site and deactivate the Alarm System if such becomes necessary;
- (8) Shall post and maintain the locatable address of the property (E-911 number) in accordance with the Town of Dover Ordinance Regarding Street Naming and Street Addressing dated July 11, 2000 and as may be amended from time to time. In addition, the Alarm User shall remove any and all other numbered signs from the Alarm Site except those currently used in condominium projects within the town for cross referencing; and
- (9) Shall notify the Alarm Company that the Alarm Site has been placed under suspension by the Alarm Administrator under Section VII of this Ordinance.
- (10) Single family homes should have their Automatic Fire Alarm Systems certified every two (2) years. A copy of these certifications shall be forwarded to the fire department with the biennial alarm registration renewal.

## **VII DUTIES OF ALARM COMPANY:**

After completion of the installation an Alarm Company employee shall review with the Alarm User the Customer False Alarm Prevention Checklist prepared by the Alarm Administrator.

An Alarm Company performing Monitoring services shall:

- (1) Offer a training period in which no request for dispatch by Company will occur during the first seven (7) days after installation of an Alarm System, but rather will use that week to train the Alarm User on proper use of the Alarm System unless circumstances necessitate immediate requests for response as determined by the Alarm Administrator;
- (2) Communicate Alarm Dispatch Requests and Cancellations to the Company by using telephone numbers designated by the Alarm Administrator;
- (3) Communicate any available information (north, south, front, back, floor, etc) about the location of the alarm activation and the type of alarm activation (CO, smoke, heat) and current 911 address.
- (4) Contact the Alarm User when an Alarm Dispatch Request is made, which shall serve as notification to the Alarm User of the Alarm Dispatch Request and False Alarm if so determined; and
- (5) Upon enactment of this Ordinance, Alarm Companies that perform Monitoring services must maintain for a period of at least one (1) year, records relating to Alarm Dispatch Request. Records must include the name, address and telephone number of the Alarm User, the 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.

#### **VIII. DUTIES OF THE ALARM ADMINISTRATOR:**

The Alarm Administrator shall designate telephone numbers for the communication of Alarm Dispatch Requests.

If there is reason to believe that an Alarm System is not being used or maintained in a manner that ensures proper operation and suppresses False Alarms, the Alarm Administrator may require a conference with an Alarm User and the Alarm Company responsible for the repair of the Alarm System to review the circumstances of each False Alarm.

Within thirty (30) days of receipt of an Alarm Registration Form and Alarm Registration Fee, the Alarm Administrator shall visually inspect the Alarm Site to confirm the correct locatable address is posted at the Alarm Site in accordance with the Town of Dover Ordinance Regarding Street Naming and Street Addressing dated July 11, 2000, and that no other numbered signs are visible at the property except those currently used in condominium projects within the town for cross referencing.

#### **IX. PENALTIES AND ENFORCEMENT**

A violation of this ordinance shall be a civil matter enforced in accordance with the provisions of 24 VSA §§ 1974A and 1977 et seq. WDFD and the Alarm Administrator shall be authorized to issue municipal complaints pursuant to this Ordinance:

The maximum penalty for each false alarm, unregistered False Alarm, suspended Alarm System, Audible Alarm Signal or Automatic Voice Dialer shall be \$500.00. The Selectboard of the Town of Dover shall establish and amend from time to time a waiver fee schedule.

#### **X. SUSPENSION OF RESPONSE:**

The Alarm Administrator may suspend alarm response if any of the following items are determined:

- (1) The Alarm User has three (3) or more False Alarms in one (1) year period.
- (2) There is a false statement of material fact in the Alarm Registration Form.
- (3) The Alarm User has failed to make timely payment within 30 days of a fine assessed under Section IX or fee assessed under Section V.
- (4) The Alarm User has failed to submit a written certification from an Alarm Company, that complies with the requirements of this Ordinance, stating that the Alarm System has been inspected and repaired (if necessary) by the Alarm Company.

A Person commits an offense if he/she operates an Alarm System during the period in which the Alarm Registration is suspended and is subject to enforcement and penalties set in Section IX. A homeowner will assume responsibility if an Alarm Company commits an offense by continuing to request WDFD dispatch to an Alarm Site after notification by the Alarm Administrator that the registration has been suspended or revoked and is subject to enforcement and penalties set in Section IX-

For each alarm, whether or not it is a false or actual emergency, that the WDFD responds to, and finds that the alarm is not registered in accordance with this Ordinance, a civil

penalty amount specified in the attached addendum maybe imposed. The waiver fee shall be that amount specified in the attached addendum.

**Investigating of Alarms:** For any alarm that the WDFD is called to investigate, the WDFD will do its best to determine what caused the alarm. If the WDFD finds that no hazard exists, even if they are unable to determine what set off the alarm, the department may leave the alarm location in the control of a caretaker, owner, or other authorized agent. If no caretaker, owner, or authorized agent arrives in a reasonable period of time (20 minutes after arrival), the Department will leave the scene. **Under no circumstance will the WDFD reset the alarm.**

If this alarm is believed to be in violation of Labor and Industry rules or laws, the local Deputy Fire Marshall will be notified. The Deputy Fire Marshall may also be notified of alarms that are in violation of any section of this ordinance.

If the Alarm Registration is reinstated pursuant to Section XII, the Alarm Administrator may suspend alarm response if it is determined that two (2) False Alarms occur within sixty (60) days after the reinstatement date.

The Alarm Administrator will notify the Alarm User in writing after the fourth False Alarm that alarm response has been suspended. This notice of suspension will also include a description of the appeals procedure available to the Alarm User.

## **XI. APPEAL OF A SUSPENSION**

An Alarm User may appeal the assessment of a fine, suspension, or request reinstatement to the Alarm Administrator. An appeal fee as established by the Selectboard of the Town of Dover will accompany the appeal by the Alarm User. The filing of an appeal with the Alarm Administrator will stay the assessment of the fine or suspension until the Alarm Administrator makes a final decision.

If the Alarm Administrator denies the issuance or renewal of an Alarm Registration, or suspends response, the Alarm Administrator shall send written notice of the action and a statement of the right to an appeal to the Alarm User.

The applicant or Alarm User may appeal the decision of the Alarm Administrator to the Selectboard by filing a written request for a review setting forth the reasons for the appeal, within twenty (20) days after receipt of the notice from the Alarm Administrator.

The Selectboard shall conduct a formal hearing and consider the evidence by any interested Person(s). The Board must render a decision within thirty (30) days after the request for an appeal hearing is filed.

Filing of a request for appeal shall stay the action by the Alarm Administrator suspending any assessment of fines or suspension until the Selectboard has completed the review. If



a request for appeal is not made within the twenty (20) days period, the action of the Alarm Administrator shall be ~~is~~ final.

## **XII. REINSTATEMENT:**

An Alarm User whose alarm response has been suspended may have alarm response reinstated by the Alarm Administrator or the Selectboard if the Alarm User has abided by one or more of the following:

- (1) Submits an updated Alarm Registration and Alarm Registration Fee;
- (2) Pays, or otherwise resolves, all citations and fines;
- (3) Submits a certification from an Alarm Company, that complies with the requirements of this article, stating that the Alarm system has been inspected and repaired (if necessary) by the Alarm Company.
- (4) Submits proof that an employee of the Alarm Company caused the False Alarm.

## **XIII. CONFIDENTIALITY:**

Information contained in registration application and applications for appeals related to passwords, access codes, user identifications, security procedures and similar information the disclosure of which would threaten the safety of persons shall be designated confidential information and shall be exempt from public inspection and copying in according with 1 VSA § 317(c)(1), (25). All other portions of registration applications and applications for appeals shall be available to the extent permitted by the Public Records Act (1VSA § 315 et seq.).

## **XIV. LIABILITY**

The Town's regulation of Alarm Systems shall not constitute acceptance by the Town of Dover for any liability to maintain any equipment, to answer alarms, or to take any action in connection therewith. Registration of an Alarm System is not intended to, nor will it, create a contract, duty or obligation, either express 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 registering an Alarm System, the Alarm User acknowledges that police response may be based on factors such as, but not limited to: availability of police units, priority of calls, weather conditions, traffic conditions, emergency conditions, and staffing levels.

## **XV. SEVERABILITY**

If any section, subsection, phrase, 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 portion of this ordinance or any part thereof.

**XVI. PUBLICATION AND POSTING**

This ordinance shall be entered in the Selectboard minutes, filed with the Town Clerk, and posted in at least five (5) conspicuous places within the Town. A copy of this Ordinance shall be published in the Deerfield Valley News, not later than fourteen (14) days following the date specified below when this Ordinance is adopted.

**XVII. INFORMATION**

The WDFD Chief, whose telephone number is 802-464-8227 and whose address is 253 Route 100, PO Box 94, West Dover, VT 05356, is a person knowledgeable about this Ordinance and is available to answer questions and provide persons with a full text thereof.

**XVIII. RIGHT TO PETITION**

Citizens of the Town of Dover are further hereby notified that within forty-four (44) days from the date of adoption, they may petition for a vote on the above Ordinance at an annual or special town meeting as provided in 24 VSA § 1973.

**XIX. ADOPTION AND EFFECTIVE DATE**

This Ordinance is hereby adopted by the Selectboard of the Town of Dover on this 7th day of September 2010 and shall, unless a petition is filed as provided by law, become effective upon sixty (60) days from this date.

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Linda Holland, Chairman

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Adam Levine

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Randall Terk

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Colby Dix

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Dwayne Coneeny

**Town of Dover  
Fire/CO Alarm System Ordinance**

## Schedule of Fees and Fines

Fees shall be as follows:

Alarm Registration Fee

\$25.00 at time of new registration

\$25.00 at time of biennial renewal (every 2 years)

Fines for violations of the ordinance shall be as follows:

Failure to comply with the Duties of the Alarm User, Section VI, Subsections 1-9

\$50.00 Civil Penalty

\$25.00 Waiver Fee

Penalties and Enforcement, Section IX

False Alarms:

3<sup>rd</sup> False Alarm

\$200.00 Civil Penalty; \$100.00 Waiver Fee

4<sup>th</sup> False Alarm

\$400.00 Civil Penalty; \$200.00 Waiver Fee

5<sup>th</sup> or subsequent False Alarm

\$500.00 Civil Penalty; \$250.00 Waiver Fee

Unregistered False Alarm, Suspended Alarm System, Audible Alarm System or Automatic Voice Dialer:

\$500.00 Civil Penalty

\$250.00 Waiver Fee

Appeal Fee \$25.00

Adopted by the Selectboard of the Town of Dover this 7<sup>th</sup> day of September, 2010.

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Linda Holland, Chairman

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