

# TOWN OF ALNA, MAINE

## ALARM ORDINANCE

WHEREAS, the Town of Alna finds that excessive false alarms unduly burden the law enforcements resources of Lincoln County; and WHEREAS County law enforcement and local fire service costs are borne by the taxpayers of the individual towns of the County; and WHEREAS the Town of Alna has the authority under 30-A MRSA § 3009-A to enact regulatory ordinances; NOW THEREFORE the Town of Alna enacts this ordinance for the purpose of establishing reasonable standards for alarm users, to ensure that alarm users are held responsible for their use of alarm systems, and to ensure that law enforcement resources can be deployed more efficiently.

### SECTION 1: DEFINITIONS

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them, except where the context clearly indicates a different meaning:

***Alarm company*** means any person or entity engaged in selling, leasing, installing, operating, servicing or monitoring alarm systems to residents or the owners, renters or lessees of property in the Town of Alna.

***Alarm signal*** means a detectable signal generated by an alarm system, to which law enforcement or fire services are requested to respond.

***Alarm system*** means an individual device or a system designed to signal an illegal or unauthorized entry or other activity to which law enforcement or fire services are requested to respond, but does not include motor vehicle or boat alarms, domestic violence alarms, or alarms designed to elicit a medical response.

***Alarm user*** means any person or entity owning, leasing, or operating an alarm system in the Town of Alna, or on whose premises an alarm system is maintained.

***Cancellation*** means termination of response by any law enforcement or fire service agency after a dispatch has been initiated when the alarm company has subsequently notified said agency that there is not a situation at the alarm site requiring law enforcement or fire services. If cancellation occurs before law enforcement or fire services arrives at the scene, this event is not a false alarm for the purpose of the penalties described below, and no penalty will be assessed.

***Compliance Standards*** means equipment and installation methods that comply with all appropriate nationally recognized testing laboratories and American National Standards Institute (ANSI) requirements.

***Excessive false alarms*** means three or more false alarms within a calendar year.

***False alarm*** means an alarm system activation at a premise which when inspected by the responding law enforcement agency or fire service, there is no evidence of unauthorized intrusion, entry, robbery, or other crime attempted in or on the premises, or fire emergency,

which would have activated a properly functioning alarm system. An alarm which is determined to have been caused or activated by an unusual condition of nature or power interruption shall not be considered a false alarm.

**Local alarm** means an alarm system that emits a signal that is audible or visible from the exterior of a structure but is not monitored by a remote monitoring facility.

**Runaway alarm** means an alarm system that produces repeated alarm signals that do not appear to be caused by separate human action. Any law enforcement or fire services agency receiving such an alarm may in its discretion not respond to alarm signals from what appears to be a runaway alarm.

**Verify** means an attempt by the alarm system monitoring company to contact the alarm site and/or alarm user or their designee by telephone and/or other means, regardless of whether contact is made, to determine whether an alarm signal is valid before requesting a law enforcement or fire services response. A second call shall be made to an alternate number provided by the alarm user if the first attempt fails.

### **SECTION 3: DUTIES OF THE ALARM COMPANY**

- (a) Any person or entity operating as an alarm company in the Town shall:
  - 1) Provide to the Lincoln County Sheriff the name, address, and telephone numbers of the alarm company agent or a designee who can be called in an emergency, 24 hours a day to respond to an alarm call, when notified.
  - 2) Provide on a continuing basis to the Lincoln County Sheriff the most current contact information for all alarm users in the Town of Alna; and contact a key holder for a response, if requested.
  - 3) This information shall be provided to and maintained current by the Lincoln County Sheriff on behalf of the Town of Alna.
- (b) An alarm company performing monitoring services in the Town shall:
  - 1) Attempt to verify, by calling the alarm site and/or alarm user by telephone, whether an alarm signal is valid before requesting dispatch, EXCEPT in the case of a panic or robbery-in-progress alarm, or in cases where a crime-in-progress or actual fire emergency has been verified by video and/or audible means.
  - 2) Communicate to the law enforcement communications center any available information about the location of the alarm and the alarm user.
  - 3) Communicate a cancellation to the law enforcement communications center as soon as possible following a determination that response is unnecessary.

### **SECTION 4: PROHIBITED ACTS**

- (a) It shall be unlawful to activate an alarm system for the purpose of summoning law enforcement or fire services when no burglary, robbery, or other crime dangerous to life or property is being committed or attempted on the premises, or where no fire emergency exists, or otherwise to cause a false alarm.
- (b) It shall be unlawful to install, maintain, or use an audible alarm system which can sound continually for more than 15 minutes.
- (c) It shall be unlawful to initiate excessive false alarms.

**SECTION 5: ENFORCEMENT OF PROVISIONS**

- (a) Pursuant to the authority granted to municipalities under 30-A MRSA § 3009-A, the Selectmen shall enter into a contract or memorandum of agreement with the Lincoln County Sheriff’s Office, who shall administer and enforce this ordinance on behalf of the Town.
- (b) **Excessive false alarms:** Excessive false alarms are hereby found to constitute a public nuisance, and shall be unlawful. Penalties for false alarms within a calendar year may be assessed against an alarm user as follows:

Third, fourth and fifth false alarm	\$100.00
Sixth through ninth false alarms	\$250.00
Tenth and over false alarms	\$500.00

- (c) **Enforcement process:** Violations will be enforced through the assessment of civil penalty(ies) by the Lincoln County Sheriff’s Office as per the schedule in Subsection (b) above.
- (d) **Payment:** Civil penalty(ies) shall be paid within thirty (30) days from the date of the assessment.
- (e) **Failure to pay:** Failure to pay may result in in court action as authorized in 30-A MRSA.
- (f) **Discontinuance of law enforcement response.** If an alarm user fails to pay penalty(ies) assessed by the court, after exhaustion of appeals, or if an alarm company fails to fulfill any of the duties assigned in Section 3, law enforcement or fire services may decline to respond to alarm signals that may occur at the premises until payment and/or compliance is achieved, or the matter is otherwise resolved.

**SECTION 7: GOVERNMENT IMMUNITY**

Any law enforcement agency or fire service response to an alarm may be influenced by factors such as: the availability of units, priority of calls, weather, traffic, or emergency conditions, staffing levels, likelihood of a runaway alarm, and prior response history. Any and all liability and consequential damage resulting from a failure to respond to a notification is hereby disclaimed and governmental immunity as provided under Maine law is maintained.

**SECTION 8: 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.

Enacted \_\_\_\_\_, 2019; Effective Date \_\_\_\_\_, 2019

**Board of Selectmen**

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Date

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\_\_\_\_\_

Date

\_\_\_\_\_

\_\_\_\_\_

Date

Attest: A true copy of an Ordinance entitled: "Alarm Ordinance of the Town of Alna as certified to me by the Municipal Officers of Alna, Maine on the \_\_th day of \_\_\_\_, 2019.

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Town Clerk, Alna, Maine