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7/11/2007

ALARM ORDINANCE

TOWN OF WEARE
STATE OF NEW HAMPSHIRE
ALARM ORDINANCE

Section 1. PREAMBLE

False alarms made to the Police and Fire Departments hinders the efficiency and effectiveness of those departments, lowers the morale of department personnel, constitutes a danger to the police officers, firemen and the general public on the streets during responses to false alarms and jeopardizes the response of volunteers. The adoption of this Ordinance is intended to promote the responsible use and maintenance of alarm systems and reduce the number of false alarms in the Town of Weare.

Section 2. DEFINITIONS

- A. "Alarm System" means an assembly of equipment and devices or a single device arranged to signal the presence of a hazard, intrusion or crime requiring urgent attention and to which police and/or firefighters are expected to respond, by use of any of the following methods.
1. Transmitting a signal or phone message to the Police or Fire Department.
 2. Transmitting a signal or phone message to a person who relays the information to the Police or Fire Department.
 3. Produces an audible or visible signal to which the Police or Fire Department are expected to respond.
 4. A telephone device or attachment that by mechanical or electronic means, selects and dials a telephone line to the Police or Fire Department and reproduces a pre-recorded message that requests or requires the Police or Fire Department to respond.
 5. Excluded from this definition and the scope of this Ordinance which are devices which are designed to alert or signal persons only within the premises in which the device is installed and when no police or fire response is required.
- B. "Alarm User" means the owner or registered occupant of the premises containing the alarm system.

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- C. "Contractor" means any firm or corporation in the business of supplying and/or installing alarm systems or servicing the same.
- D. "False Alarm" means any of the following:
 - 1. The activation of an alarm system through mechanical or electronic failure, malfunction, improper installation, negligence or improper use by the alarm user, his employees, agents or contractor.
 - 2. Any signal, pre-recorded message or oral communication transmitted to the Police or Fire Department requesting, requiring or resulting in a response on the part of the Police or Fire when in fact there has been no unauthorized intrusion, robbery, burglary, attempted threat, fire, threat of fire, illness, injury or threat of life.
 - 3. For purpose of this definition, activation of alarm systems by acts of vandals, criminals, by acts of God, or authorized testing after notification shall not be deemed a false alarm.

Section 3. ADMINISTRATOR

- A. There shall be in the Town of Weare an Administrator for Alarm Systems who shall have all the duties and powers granted under this Ordinance.
- B. The Chief of Police or his designee shall be the Administrator and is authorized to adopt regulations for the administration of this Ordinance, with the approval of the Board of Selectmen.

Section 4. ALARM APPEAL BOARD

- A. There shall be in the Town of Weare an Alarm Appeal Board which shall have the powers and duties granted to it under this Ordinance.
- B. The Alarm Appeal Board shall consist of the Board of Selectmen.

Section 5. REGISTRATION

- A. Each Alarm user shall register his Alarm System with the Administrator within seven (7) days prior to use and pay the registration fee.

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- B. Alarm Systems in use as of the effective date of this Ordinance must be registered and the fee paid no later than forty-five (45) days from such date.
- C. Registration procedure shall be accomplished by the User filling out the form provided by the Administrator which shall include the name, address and telephone number for the Alarm User and the Contractor, if any, the type of Alarm system, and the names and telephone numbers of two other persons authorized by the User who can and will respond to the User's premises and can gain access and reset the alarm, after notification by the Police or Fire Department.
- D. It shall be the responsibility of each Alarm User to notify the Administrator in writing of any changes in registration information.
- E. All information in the possession of the Administrator concerning Alarm Users and Systems shall be CONFIDENTIAL and shall not be divulged without the written consent of the User, except to authorized employees and dispatchers of the Police and Fire Departments.

Section 6. CONTROL OF FALSE ALARMS

- A. After notification of a False Alarm by the Police or Fire Department, the User or one of his designated agents will respond to the premises and gain access if necessary and reset or shut off the Alarm System.
- B. Alarm Systems which use an external audible horn, bell or siren shall be equipped with an automatic device that will shut off the audible portion of the alarm within fifteen (15) minutes after activation. Any audible alarm system in use as of the effective date of this Ordinance must comply with this section within sixty (60) days.
- C. Automatic telephone dial Alarm Systems shall be programed to dial a designated number(s) for the police and/or fire departments as specified by the Administrator and will be regulated so as not to repeat a message more than two (2) times. Any automatic dial Alarm System in use as of the effective date of this Ordinance must comply with this section within sixty (60) days.
- D. No Alarm System shall be tested by the User, his agent or Contractor until after notification has been made to the Police and/or Fire Department.

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E. Police and Fire personnel shall report all false alarms to the Administrator.

Section 7. PENALTIES

A. Upon receipt of three or more False Alarms within a twelve (12) month period, the Administrator may order the User in writing:

1. To discontinue the use of the alarm system or,
2. To disconnect any connections to the Police or Fire Departments or,
3. To pay the false alarm charges for each false alarm in excess of three (3) during the twelve (12) month period.

Section 8. NOTIFICATION AND APPEAL

A. False Alarm Charges

1. The Administrator shall notify the responsible Alarm user of any false alarm charges by mail. Within twenty (20) days after the mailing of such notice, the Alarm user may provide the Administrator with documentation and information to show that the alarm was not a False Alarm within the meaning of this Ordinance.
2. The Administrator shall consider such information and reaffirm or rescind the false alarm charge and notify the alarm user by mail. Within twenty (20) days after mailing of this notice, the alarm user may then file an appeal in writing with the Alarm Appeal Board.
3. The Fire Chief or his designee shall determine all false alarms relative to Fire Alarms and the Police Chief or his designee shall determine all false alarms relative to Police Alarms.

B. Appeals

Upon receipt of a timely appeal from a False Alarm charge or other order of the Administrator, the Alarm Appeal Board shall hold a hearing to consider the charge or other order, and shall mail notice of the time and place of said hearing, to the alarm User who requested the appeal, at his last known address, at least fifteen (15) days before the hearing. On the basis of information provided by the Administrator and User and any other facts introduced at the hearing, the Board shall affirm the charge or other order if it finds that it was properly imposed or rescind if it is found to have not been properly imposed.

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C. Notice

Each notice of a false alarm charge or the reaffirmation of such charge by the Administrator shall refer to an include instructions concerning the User's right to further recourse by filing information with the Administrator or an appeal to the Alarm Appeal Board.

Section 9. FEES AND CHARGES

- A. There shall be a one time registration fee of \$10.00 for each User or change of User alarm system.
- B. The User shall be assessed a charge of \$25.00 for each false alarm in excess of three (3) within a 12 month period.
- C. There shall be a fee of \$10.00 for each appeal to the Alarm Appeal Board.
- D. The amount of these fees will be set and may be raised or lowered from time to time by the Alarm Appeal Board. Before any adjustment in the fees, the Alarm Appeal Board shall hold a Public Hearing, and give notice of the hearing in two public places in the Town 15 days before the hearing.
- E. Charges for registrations, false alarms and appeal fees will be collected by the Administrator and deposited into the General Fund of the Town of Weare.

Section 10. CERTAIN PENALTIES, FINES AND ENFORCEMENT

- A. Any person who intentionally sets off or causes a false alarm shall be subject to a fine of up to \$500.00 for each such act and to pay for costs of all responding emergency personnel and vehicles.
- B. Any person who fails to register an alarm device or fails to give notice of changes in registration as required shall be fined up to \$25.00; each day of such failure shall constitute a separate violation.
- C. The Town, upon authorization by the Administrator and approved by the Board of Selectmen may institute court proceeding to enforce the provisions of this Ordinance. Any violation of this ordinance brought before the court shall constitute a violation as defined within New Hampshire RSA 625:9(V).

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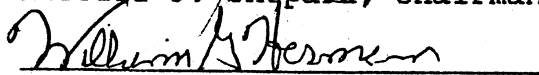
Section 11. EXCEPTIONS AND SEVERABILITY

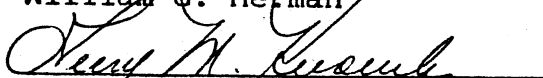
- A. Notwithstanding the provisions of this Ordinance, the Town, its departments or officers, agents or employees shall be under no obligation whatsoever concerning the adequacy, operation or maintenance of any alarm device or of the alarm monitoring equipment maintenance of any alarm device or of the alarm monitoring equipment at the Police or Fire Dispatch. No liability whatsoever is assumed for the failure of such alarm devices or failure of monitoring equipment or failure to respond to alarms or for any other act or omission in connection with such alarm devices. Each alarm User shall be deemed to hold and save harmless the Town, its departments and officers, agents and employees from liability in connection with the User's alarm device or system.
- B. The provisions of this Ordinance shall not apply to alarm devices on premises owned or controlled by the Town, nor to any alarm device installed in a motor vehicle or camping trailer.
- C. The invalidity of any part or parts of this Ordinance shall not affect the validity of the remaining parts nor in any way act thereon.

Section 12. ADOPTION

Under the authority granted to the Board of Selectmen by Town Meeting on March 16, 1991, Article 51 and after proper notice and hearing the Board of Selectmen of the Town of Weare, hereby adopt this Alarm Ordinance on the day of July 15, 1991.

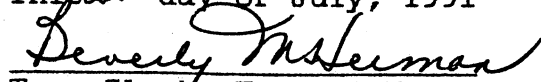

Merrill J. Shepard, Chairman


William G. Herman


Terry M. Knowles

Attest:

This ^{22nd} day of July, 1991


Beverly M. Herman
Town Clerk, Town of Weare

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7/3/91