

BOROUGH OF NAUGATUCK

Approved, adopted and ordered by the Board of Mayor and Burgesses at a special meeting held on December 28, 2010.

Ordinance 87, Chapter § 3.5 Alarm Systems, of the Code of Ordinances, Borough of Naugatuck, Connecticut is hereby repealed. The new ordinance is to read as follows:

Sec. 3.5-1. Intent and purpose of chapter.

It is the intent and purpose of this chapter to:

- (1) Provide minimum standards and regulations applicable to owners, users, installers, and owners of property upon which are installed burglar, fire, or hold-up alarms within the Borough;
- (2) Provide penalties for noncompliance with such minimum standards and regulations and;
- (3) Encourage the installation and proper maintenance and use of such protective alarm systems in all dwellings and commercial structures.

(Ord. No. 87, 3-13-90)

Sec. 3.5-2. 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 administrator means a person or persons designated by the police chief and fire chief to administer, control and review false alarm reduction efforts and administers the provisions of this ordinance.

Alarm company means a person or a company engaged in selling, leasing, installing, servicing or monitoring alarm systems; this person shall be licensed in compliance with Borough and State laws.

Alarm permit means a permit issued by the Borough or Town allowing the operation of an alarm system within the Borough or Town.

Alarm signal means a detectable signal; audible or visual, generated by an alarm system, to which law enforcement or the fire department is requested to respond.

Alarm system means any single device or assembly of equipment designed to signal the occurrence of an illegal or unauthorized entry, fire alarms or other activity requiring immediate attention and to which law enforcement and or the fire department is 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, corporation, partnership, proprietorship, governmental or educational entity or any other entity owning, leasing or operating an alarm system, or on whose premises an alarm system is maintained for the protection of such premises.

Alarm user awareness class means a class conducted for the purpose of educating alarm users about the responsible use, operation, and maintenance of alarm systems and the problems created by false alarms. The police or fire departments will facilitate the awareness classes.

Cancellation means the process where response is terminated when the alarm company (designated by the alarm user) notifies the Naugatuck Police Department that there is not an existing situation at the alarm site requiring police response after an alarm dispatch request. If cancellation occurs prior to police arriving at the scene, this is not a false alarm for the purpose of civil penalty, and no penalty will be assessed. The Naugatuck Fire Department will continue response to any reported fire alarm, regardless if cancelled by the occupant or alarm company. The Naugatuck Fire Department officer on scene will make a determination as to whether an alarm is false or accidental. Refer to the definition of false fire alarm referenced below.

Borough or Town means the Borough or Town of Naugatuck, CT or its agent.

False burglar alarm means the activation of an alarm system through mechanical or electronic failure, malfunction, improper installation, or the negligence of the alarm user, his/her employees or agents, and signals activated to summon law enforcement personnel unless law enforcement response was canceled by the alarm user or his/her agent before law enforcement personnel arrive at the alarm location. An alarm is false within the meaning of this article when, upon inspection by the Naugatuck Police Department, evidence indicates that no unauthorized entry, robbery, or other such crime was committed or attempted in or on the premises which would have activated a properly functioning alarm system. Notwithstanding the foregoing, a false alarm shall not include an alarm which can reasonably be determined to have been caused or activated by unusually violent conditions of nature nor does it include other extraordinary circumstances not reasonably subject to control by the alarm user.

False fire alarm means activation of an alarm system through mechanical or electronic failure, malfunction, improper installation, malicious activation or the negligence of the alarm user, his/her employees or agents, and signals to summon the fire department to the premises. A fire alarm is considered false when, upon investigation by the fire department, it is found there was no evidence of fire or smoke or a reasonable suspicion by an occupant that there may have been a fire. For the purposes of this ordinance, smoke from cooking, steam, water or water vapor activating an alarm is not considered a false alarm.

Local alarm means an alarm system that emits a signal at an alarm site that is audible or visible from the exterior of a structure and is not monitored by a remote monitoring facility, whether installed by an alarm company or user.

Permit year means a twelve (12) month calendar year, beginning on January, or the remaining portion of the calendar year when a new alarm permit is issued.

Runaway alarm means an alarm system that produces repeated alarm signals that do not appear to be caused by separate human action. The Naugatuck Police Department may in its discretion discontinue police responses to alarm signals from what appears to be a runaway alarm.

SIA Control Panel Standard CP-01 means the American National Standard Institute (ANSI) 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 false alarms. Control panels built and tested to this standard by a nationally recognized testing organization, will be marked to state: "Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction".

Verify means an attempt by the monitoring company, or its representative, to contact the alarm site and/or alarm user by telephone and/or other electronic means, whether or not actual contact with a person is made, to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch, in an attempt to avoid an unnecessary alarm dispatch request. For the purpose of this ordinance, telephone verification shall require, as a minimum that a second call be made to a different number if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid before requesting law enforcement dispatch.

Sec. 3.5-3. Alarm Permit.

(a) *Permit required.* No person shall use an alarm system without first obtaining a permit for such alarm system from the Borough of Naugatuck. A fee shall be required for the initial registration and annual renewals. Each alarm permit shall be assigned a unique permit number, and the user shall provide the permit number to the alarm company to facilitate law enforcement dispatch. For the purpose of fire or smoke alarms, a permit is only required for alarms that are monitored by a third party service that notifies the fire department upon alarm activation.

(b) *Application.* The permit shall be requested on an application form provided by the Borough. An alarm user has the duty to obtain an application from the Borough.

(c) *Transfer of possession.* When the possession of the premises at which an alarm system is maintained is transferred, the person (user) obtaining possession of the property shall file an application for an alarm permit within thirty (30) days of obtaining possession of the property. Alarm permits are not transferable.

(d) *Reporting updated information.* Whenever the information provided on the alarm permit application changes, the alarm user shall provide correct information to the Borough within thirty (30) days of the change. In addition, each year after the issuance of the permit, permit holders will receive from the Borough a form requesting updated information. The permit holder shall complete and return this form to the Borough when any of the requested information has changed; failure to comply will constitute a violation and may result in a civil penalty.

(e) *Multiple alarm systems.* If an alarm user has one or more alarm systems protecting two or more separate structures having different addresses and/or tenants, a separate permit shall be required for each structure and/or tenant.

Sec. 3.5-4. Duties of Alarm Users.

(a) Maintain the premises and the alarm system in a method that will reduce or eliminate false alarms.

(b) Provide the alarm company the permit number, (the number must be provided to the communications center by the alarm company to insure dispatch).

(c) Must respond or cause a representative to respond to the alarm system's location within thirty (30) minutes when notified by the Naugatuck Police Department to deactivate a malfunctioning alarm system.

(d) Not manually activate an alarm for any reason other than an occurrence of an event that the alarm system was intended to report or to perform routine maintenance as prescribed by alarm system provider.

(e) An alarm user must obtain a new permit and pay any associated fees if there is a change in address or ownership of a business or residence.

Sec. 3.5-5. Duties of Alarm Companies.

(a) Any person engaged in the alarm business in the Borough, shall comply with the following:

(1) Obtain and maintain the required state, city or town license(s).

(2) Be able to provide name, address, and telephone number of the license holder or a designee, who can be called in an emergency, twenty-four (24) hours a day; and be able to respond to an alarm call, when notified, within two (2) hours.

(3) Be able to provide the most current contact information for the alarm user.

(b) Ninety (90) days after enactment of this Ordinance the alarm installation companies shall, on all new installations, use only alarm control panel(s) which meet SIA Control Panel Standard CP-01.

(c) Prior to activation of the alarm system, the alarm company must provide instructions explaining the proper operation of the alarm system to the alarm user.

- (d) Provide written information of how to obtain service from the alarm company for the alarm system.
- (e) An alarm company performing monitoring services shall:
 - (1) Attempt to verify, by calling the alarm site and/or alarm user by telephone, to determine whether an alarm signal is valid before requesting dispatch. Telephone verification shall require, as a minimum that a second call be made to a different number, if the first attempt fails to reach an alarm user who can properly identify themselves to attempt to determine whether an alarm signal is valid, EXCEPT in the case of a panic or robbery-in-progress alarm, or in cases where a crime-in-progress has been verified by video and/or audible means.
 - (2) Provide alarm user registration number to the communications center to facilitate dispatch and/or cancellations.
 - (3) Communicate any available information about the alarm.
 - (4) Communicate a cancellation or false call to the police or fire department communications center as soon as possible following a determination that response is not of an emergency nature.

Sec. 3.5-6. Prohibited Acts.

- (a) It shall be unlawful to activate an alarm system for the purpose of summoning law enforcement or the fire department when no burglary, robbery, or other crime or danger to life or property is being committed or attempted on the premises or there exists no actual or reasonable suspicion of a fire or any indication of smoke which may 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 thirty (30) minutes.

Sec. 3.5-7. Duration of audible signal limited.

All alarm systems which sound any signal that is audible outside the protected premises, shall be equipped with a device which will limit the duration of such audible signal to not more than thirty (30) minutes in accordance with section 22a-69-5.1 of the administrative regulations of the Department of Environmental Protection of the State.

Sec. 3.5-8. User fees for false alarms.

(a) *Excessive False Alarms/Failure to Register.* It is hereby found and determined that three or more false alarms within a permit year is excessive, constitutes a public nuisance, and shall be unlawful. Costs for excessive false alarms within a calendar year may be assessed against an alarm user as follows:

- (1) Third, fourth and fifth false alarm \$50.00
- (2) Sixth and seventh false alarm \$100.00
- (3) Eighth and ninth false alarm \$250.00
- (4) Tenth and over false alarms \$500.00
- (5) Failure to register \$100.00

(b) *Other Fees.* Violations will be enforced through the assessment of a fee in the amount of \$100.00 per violation.

(c) *Payment of Fees.* Fees shall be paid within thirty (30) days from the date of the invoice.

(d) *Civil Non Criminal Violation.* A violation of any of the provisions of this ordinance shall be a civil violation and shall not constitute a misdemeanor or infraction.

(e) Assessment of costs or fees for violations of the provisions of this ordinance will be done on a biannual basis.

(f) Alarm systems owned and/or used by the Borough of Naugatuck shall be exempt from the user fee requirement.

Sec. 3.5-9. Appeals.

(a) *Appeals process.* Assessments of civil penalties and other enforcement decisions made under this ordinance may be appealed by filing a written notice of intent to appeal with the Naugatuck Board of Police Commissioners, 211 Spring Street, Naugatuck, CT 06770 or the Naugatuck Board of Fire Commissioners, 41 Maple Street, Naugatuck, CT 06770 within fifteen (15) days after the date of notification of the assessment of civil fees or other enforcement decision. The appellant shall then have an additional ten (10) days from the date the Naugatuck Police Department or Naugatuck Fire Department receives an intent to appeal notice to submit all appropriate supporting documentation to the appropriate Board of Commissioners for review. The failure to give notice of intent to appeal within this time period shall constitute a waiver of the right to contest the assessment of penalty or other enforcement decision. Appeals shall be heard through an administrative process established by the Naugatuck Board of Police Commissioners and the Naugatuck Board of Fire Commissioners.

(b) *Appeal standard.* The Naugatuck Board of Police Commissioners or the Naugatuck Board of Fire Commissioners shall review an appeal from the assessment of civil penalty or other enforcement decisions using a preponderance of the evidence standard. Notwithstanding a determination that the preponderance of the evidence supports the assessment of civil penalty or other enforcement decision, the Naugatuck Board of Police Commissioners or the Naugatuck Board of Fire Commissioners shall have the discretion to dismiss or reduce civil fees or reverse any other enforcement decision where warranted.

Sec. 3.5-10. Confidentiality.

In the interest of public safety, all information contained in and gathered through the alarm registration applications, applications for appeals and any other alarm records shall be held in confidence by all employees and/or representatives of the Borough.

Sec. 3.5-11. 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 the Naugatuck Police Department and/or Naugatuck Fire Department response may be influenced by factors such as: the availability of police or fire units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

Sec. 3.5-12. 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.

This Amendment shall be effective upon publication.

Nancy K. DiMeo Borough Clerk

Adopted December 28, 2010 – Effective April 14, 2011

Printed 4/10/2011 and 4/14/2011