

# TOWN OF LUDLOW, VERMONT

## EMERGENCY ALARM ORDINANCE

1. Purpose of Ordinance
2. Definitions
3. Origin of Alarms
4. Certain Alarm Systems Prohibited
5. False Alarm Procedures, Service Charges, Fees, and Collection
6. Registration of Alarm Systems
7. Audible On-Site Alarms
8. Fees
9. Exemption
10. Enforcement
11. Liability of Town
12. Inconsistent Ordinances Repealed
13. Severability
14. Publication and Effective Date

### ARTICLE 1. PURPOSE OF ORDINANCE

WHEREAS, an increasing number of business and homes are providing protection from burglary, robbery and fire by means of electronic alarm systems, some of which include automatic dialing devices; and

WHEREAS, the Chief of Police and the Fire Chief of the Town of Ludlow have indicated that human error, or mechanical malfunctions of criminal detection and burglar alarms, as well as smoke, fire, and carbon monoxide alarms in the Town of Ludlow have resulted in a significant number of false alarms being signaled to which the Police and Fire Departments must respond; and

WHEREAS, the emergency response to each false alarm requires the deployment of personnel and vehicles to non-emergency situations and effectively removes that personnel and equipment from the designated service of protecting life and properties and causes unnecessary expenditure of public funds; and

WHEREAS, reasonable regulation of the alarms should result in the significant decrease in false alarms with a result of savings of public resources;

NOW, THEREFORE, the following ordinance is enacted by the Select Board of the Town of Ludlow, Windsor County, and State of Vermont.

## ARTICLE 2. DEFINITIONS

As used in this ordinance, the following terms shall have the respective meanings here assigned to them:

- 2.01 "Alarm Business" shall be any person, firm, partnership, association, corporation, or other entity which installs, sells, leases, maintains, services, repairs, alters, replaces, removes, or responds to electronic or mechanical alarms, signal devices, burglar alarms, fire alarms, television cameras, or still cameras used to detect fire, smoke, heat, carbon monoxide, sprinkler system activation, burglary, breaking and entering, retail theft, pilferage, theft, or any other intrusion into any building, place, or premises; provided, however, it shall not include any entity which merely manufactures or sells alarm systems unless such entity installs, services, or responds to alarm systems at the protected premises. Provided further this definition does not include any entity which owns and installs an alarm system on property owned or leased by itself;
- 2.02 "Alarm System" shall mean any mechanism or device which is used in a building or premises for the detection of fire, smoke, heat, carbon monoxide, sprinkler activation unauthorized entry, burglary, or any other criminal activity, and which is designed to transmit to the Police Station, Fire Station, or other receiving station a signal, message, warning, or other indication of an occurrence requiring a police or fire department response;
- 2.03 "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 alarm system is installed, operated, or maintained;
- 2.04 "Chief of Police" shall mean the Chief of Police of the Ludlow Police Department, as appointed by the Town Manager;
- 2.05 "Fire Chief" shall mean the Chief of the Ludlow Fire Department, as appointed by the Town Manager;
- 2.06 "False Alarm" shall mean any alarm signal necessitating response by the Police or Fire Department, wherein an emergency situation does not exist, but shall not include alarms caused solely by an act of nature.
- 2.07 Examples of false alarms shall include, but are not limited to:
- a. Alarms activated by inadvertence;
  - b. Negligent maintenance ;
  - c. Accident;
  - d. Alarm testing without prior notification to the Police or Fire Department;
  - e. Faulty installation or maintenance that continues after notification of such fault by the Police or Fire Department;
  - f. The presence of improper or unsuitable equipment that continues after

- notification by the Police or Fire Department;
- g. Equipment malfunction that continues after notification by the Police or Fire Department;
- 2.08 "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 maintained;
- 2.09 "Police Department" shall mean the Ludlow Police Department, or any other agency providing public safety services to the Town and Village of Ludlow
- 2.10 "Fire Department" shall mean the Ludlow Fire Department;
- 2.11 "Primary Trunk Line" shall mean a telephone line leading directly to the communications center of the Police or Fire Department that is for the purpose of handling emergency calls on a person-to-person basis;
- 2.12 "Telephone Alarm" shall mean any alarm system which is equipped with a direct dial feature and which, when activated, automatically dials a primary trunk line at the Police or Fire Department.
- 2.13 "Technically qualified person" shall mean a person who has the knowledge and training to assess, install and repair and have the authority to take prompt measures.

### ARTICLE 3. ORIGIN OF ALARMS

- 3.01 Only those alarm systems registered with the Chief of Police, Fire Chief, or their designees, and originating at a location within the Town or Village of Ludlow, or other such towns as approved by the Board of Selectmen, shall be allowed to transmit a signal to the Police or Fire Department.

### ARTICLE 4. CERTAIN ALARM SYSTEMS PROHIBITED

- 4.01 It is unlawful to install, operate, or maintain a telephone alarm system which transmits directly to the Police or Fire Department a signal, message, warning, or other indication of an occurrence requiring police or fire response with the exception of:
- a. An emergency "911" system; and
  - b. An alarm system required by Federal, State, County, Town, or Village statute, ordinance, regulation, or agreement to install, maintain, and operate an alarm system as approved by the Chief of Police or Fire Chief.
- 4.02 All those alarms that are not in conformance at the effective date of this ordinance must come into conformance within six (6) months from the effective date, or the owner/lessee will be in violation of this section.

## ARTICLE 5. FALSE ALARM PROCEDURES, SERVICE CHARGES, FEES, AND COLLECTION

- 5.01 An alarm system user shall be responsible for all false alarms generated by their system or devices.
- 5.02 The Chief of Police, Fire Chief, or designee from the Town of Ludlow, shall charge and collect from the alarm system user the following user fees for false alarms:
- a. Each alarm user shall be entitled to one (1) false alarm during a six (6) month period, without being assessed a service fee;
  - b. A shall be imposed for all succeeding false alarms occurring during the same six (6) month period.
- 5.03 Each system user that experiences a false alarm caused by any mechanical problem or of an unknown origin shall be required to have their alarm system inspected at his/her expense by a service person or business authorized by the Chief of Police or Fire Chief and to file a written report with the Police or Fire Department, in a format approved by the Police or Fire Department, within seven (7) days after the date of said false alarm. Failure to obtain the necessary inspection or to file the said written report within the prescribed period of time shall result in the imposition of an additional service fee.
- 5.04 In the event that any system user has more than one (1) false alarm in a twelve (12) month period the Chief of Police or Fire Chief shall be authorized to require said alarm system user to take necessary corrective action to reduce or eliminate the number of false alarms on said alarm system. Failure to take corrective action within thirty (30) days of that notification may constitute a violation of this Town ordinance and may be subject to the prescribed penalties.
- 5.05 The Chief of Police, Fire Chief or a designee from his/her office, shall determine whether a false alarm has occurred and the frequency of such false alarm. The Town shall notify alarm users of the amounts owed to the Town and shall make demand therefore pursuant to the provisions of this section.

## ARTICLE 6. REGISTRATION OF ALARM SYSTEMS

- 6.01 Any alarm system user who owns, operates, or maintains an alarm system within the Town of Ludlow shall provide the Chief of Police, Fire Chief or his/her designee, and an alarm business as described herein, if any, with a contact card containing the names, addresses, and telephone numbers of the alarm system user and at least three (3) persons who can be notified to install, repair, or service the alarm system and secure the premises during any hour of the day or night that the alarm might be activated. The alarm system user will also provide, in writing, full directions to the premises and all pertinent information regarding the premises. If any changes occur of the persons, addresses, or telephone numbers on said card, the alarm system user shall immediately notify the Chief of Police or Fire Chief of same.

## ARTICLE 7. AUDIBLE ON-SITE ALARMS

- 7.01 Audible on-site alarms which may be heard in any public place shall be equipped and maintained to automatically shut off no longer than fifteen (15) minutes after being set off. All those alarms that are not in conformance at the effective date of this ordinance must come into conformance within one (1) year from the effective date.

## ARTICLE 8. FEES

- 8.01 The Board of Selectmen shall set annually the connection fees and service fees (\$105.00) provided for within this ordinance. These fees shall be set at the time of the Town's budgetary process, and shall be effective 01 July of that fiscal year.
- 8.02 All fees collected pursuant to this ordinance shall be deposited into the general fund of the Town of Ludlow, for application towards the Police and Fire Departments budgets.

## ARTICLE 9. EXEMPTION

- 9.01 In special circumstances, any fees assessed under this ordinance may be waived or abated by the Board of Selectmen.

## ARTICLE 10. ENFORCEMENT

- 10.01 This Ordinance is designated as a Civil Ordinance pursuant to 24 V.S.A. §1971 A.
- a. This Ordinance may be enforced by any issuing law enforcement officer, by using a Municipal Complaint under 24 V.S.A. §1977 (a).
  - b. Any alarm system user violating any of the provisions of this ordinance shall be subject to fines pursuant to 24 V.S.A. § 1974a. as follows:
    - 1) fire staff only: \$200.00
    - 2) staff and truck: \$300.00
    - 3) police response: \$100.00
  - c. Failure to comply with any of the provisions of this ordinance is cause for the Chief of Police or Fire Chief to order the disconnection of the non-complying alarm system. The Chief of Police or Fire Chief shall notify the non-complying alarm system user, in writing, of said decision and the reason (s) therefore. The alarm system user, within fifteen (15) days after the date of said notice, may appeal said disconnection to the Board of Selectmen in writing.

## ARTICLE 11. LIABILITY OF TOWN

- 11.01 The Town's regulations of alarm systems shall not constitute acceptance by the Town of Ludlow for any liability to maintain any equipment, to answer alarms, or any other action in connection therewith.

## ARTICLE 12. INCONSISTENT ORDINANCES REPEALED

- 12.01 Any provision of any ordinance of the Town of Ludlow in effect at the time of enactment of this ordinance governing any activity included in this ordinance is hereby revoked. Any permits currently in effect under such revoked provisions are also hereby revoked. Any fees paid for such activities will be credited to the payment of fees of such activities called for herein on a prorated basis, but in no case shall fees be refunded.

## ARTICLE 13. SEVERABILITY

- 13.01 If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The Board of Selectmen hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional or ineffective.

## ARTICLE 14. PUBLICATION AND EFFECTIVE DATE

- 14.01 No section of this ordinance shall be construed to supersede or replace any Vermont statute.
- 14.02 This ordinance shall be entered in the minutes of the Board of Selectmen meeting, and posted in at least five (5) conspicuous places within the Town of Ludlow and published in a newspaper circulating in the Town on a day not more than fourteen (14) days following the date when the ordinance is so adopted.
- 14.03 This ordinance will become effective on 09 November 1996, sixty (60) days after the date of its adoption by the Board of Selectmen, unless a petition is filed with the Town Clerk by the 23<sup>rd</sup> of October 1996, forty-four (44) days after the date of its adoption. The petition should be addressed to the Selectmen and should be signed by at least five percent (5%) of the qualified voters of this municipality, and should ask for a special meeting to be called on the question of disapproving the ordinance.

Questions about the ordinance may be directed to the Municipal Manager, Ludlow, Vermont, or by calling telephone number (802) 228-2841.

The foregoing ordinance is hereby adopted by the Select Board of the Town of Ludlow, Vermont, this ninth day of September, 1996.

TOWN OF LUDLOW, VERMONT  
SELECT BOARD

Jerry R. Tucker, Chairman  
Robert N. Cappiello, Sr., Vice-Chairman  
Mark A. Gauthier, Clerk  
George W. Dunnett

Fees amended this 1st day of August, 2005.

TOWN OF LUDLOW, VERMONT  
SELECT BOARD

Howard Barton, Chair  
Jay Jurkoic, Vice Chair  
Bruce Schmidt, Clerk  
John Neal  
Brett Sanderson

ARTICLE 14 above is amended to read:

- 14.01 No section of this ordinance shall be construed to supersede or replace any Vermont statute.
- 14.02 This ordinance shall be entered in the minutes of the Board of Selectmen meeting, and posted in at least five (5) conspicuous places within the Town of Ludlow and published in a newspaper circulating in the Town on a day not more than fourteen (14) days following the date when the ordinance is so adopted.
- 14.03 This ordinance will become effective on April 4, 2008, sixty (60) days after the date of its adoption by the Board of Selectmen, unless a petition is filed with the Town Clerk by March 19, 2008, forty-four (44) days after the date of its adoption. The petition should be addressed to the Selectmen, should be signed by at least five percent (5%) of the qualified voters of this municipality, and should ask for a special meeting to be called on the question of disapproving the ordinance.

The foregoing ordinance is hereby re-adopted by the Select Board of the Town of Ludlow, Vermont on this fourth day of February, 2008.

TOWN OF LUDLOW, VERMONT  
SELECT BOARD

Howard Barton, Jr., Chair  
John Neal, Vice Chair  
Brett Sanderson  
Bruce Schmidt  
Earl Washburn

ARTICLE 14 above is amended to read:

- 14.01 No section of this ordinance shall be construed to supersede or replace any Vermont statute.
- 14.02 This ordinance shall be entered in the minutes of the Board of Selectmen meeting, and posted in at least five (5) conspicuous places within the Town of Ludlow and published in a newspaper circulating in the Town on a day not more than fourteen (14) days following the date when the ordinance is so adopted.
- 14.03 This ordinance will become effective on August 5, 2013, sixty (60) days after the date of its adoption by the Board of Selectmen, unless a petition is filed with the Town Clerk by July 17, 2013, forty-four (44) days after the date of its adoption. The petition should be addressed to the Selectmen, should be signed by at least five percent (5%) of the qualified voters of this municipality, and should ask for a special meeting to be called on the question of disapproving the ordinance.

The foregoing ordinance is hereby re-adopted by the Select Board of the Town of Ludlow, Vermont on this third day of June, 2013.

TOWN OF LUDLOW, VERMONT  
SELECT BOARD

Howard Barton, Jr., Chair  
John Neal, Vice Chair  
Brett Sanderson  
Bruce Schmidt  
Earl Washburn