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## TOWN OF ALTON

### AN ORDINANCE RELATIVE TO FALSE ALARMS

Effective May 1, 1995, the Alton Board of Selectmen, acting under the authority granted by Article 23 of a Town Meeting held on March 14, 1989, hereby adopts this Ordinance as it pertains to commercial and residential police and fire alarms which have been activated for reasons other than the need for an immediate response for the protection of public safety and personal property.

This Ordinance shall supersede and replace an Ordinance regulating alarm systems adopted May 1, 1995.

#### Section 1. DEFINITIONS

The following definitions shall apply to the interpretation and the enforcement of this Ordinance.

- 1.1 1.1 **ALARM SYSTEM** shall mean any assembly of equipment or a device whose purpose is to signal the presence of a hazard requiring urgent attention to which the Police Department and/or the Fire Department is expected to respond.
- 1.2 1.2 **DIGITAL ENCODER ALARM** shall mean a type of alarm system which automatically seizes a telephone line and dials a specified number signaling a need for emergency response by means of sequential toning or some other type of electronic mechanism.
- 1.3 1.3 **DIRECT DIALER TAPE ALARM** shall mean a type of alarm system which automatically seizes a telephone line connected to a police and/or fire agency and produces a pre-recorded voice message indicating the need for an emergency response.
- 1.4 1.4 **FALSE ALARM** shall mean the activation of an alarm system through a mechanical failure, accidental tripping, mis-operation, malfunction, misuse, neglect or some other

unintentional act when an emergency response is not required, as indicated upon the failure of the Police and/or Fire Department to find any evidence of intrusion or other legitimated need or cause for the alarm system to have been activated. Activation shall not be considered to be a False Alarm when caused by acts of nature such as earthquakes, violent winds, lightning, or some other event beyond the control of the alarm beneficiary.

- 1.5     **1.5         KNOX BOX** shall mean a lockable key box manufactured by the Knox Co.

**Section 2.         Administration**

- 2.1     **2.1         In so much as possible, given the available resources at the time, it shall be the policy of the Town of Alton to have appropriate Police and/or Fire Department personnel respond whenever an alarm system indicates the need for an emergency response. However, nothing in this Ordinance shall be presumed to obligate the Town to respond when an alarm system is activated, nor does Town accept any liability for any damages which may result due to the failure of the Town to respond in a timely manner. Furthermore, it shall be expressly understood that the Town reserves for itself, the right to exercise whatever judgments it deems necessary for the protection of Town employees, agents and other members of the general public when it receives an indication that an alarm system has been activated, without any liability for any damages whatsoever.**
- 2.2     **2.2         The highest ranking Town Official responding to an activated alarm system shall be entitled to make a conclusive presumption of a false alarm using his/her sole discretion.**
- 2.3     **2.3         The provisions of this Ordinance shall not apply to persons who intentionally report a false Police or Fire Alarm, whether said person does so through the use of an alarm system or some other means. Individuals who knowingly report an alarm to the Police and/or Fire Department which is false shall be prosecuted to the fullest extent permitted by law, in accordance with the provisions of RSA 641 and/or RSA 644.**
- 2.4     **2.4         It shall be the policy of the Town to respond to any activated alarm, in accordance with the provision of Section 2.1, in all cases when the Police Department or Fire**

Department are verbally notified of an alarm in progress in an attempt to avoid an emergency response. This is to ensure a perpetrator is not seeking to avoid apprehension.

- 2.5 2.5 In order to avoid a determination of a false alarm being activated, a homeowner, dwelling occupant or manager of a commercial property may submit written notification to the respective emergency response agency which states his/her intentions to activate an alarm and the reason for the activation. Said notice shall be submitted at least seven (7) days in advance, and shall include the senders name, address, telephone number, alarm location, and date and time of the activation. The Police or Fire Department shall verify this information to the best of their ability in determining whether or not to respond if the alarm is activated. However, a written notice shall not automatically preclude a determination being made that an activated alarm is not a false alarm.

**2.6 All fire alarms in the Town of Alton shall have Knox boxes at the alarm location. The Knox box shall include a master key to the building, an information sheet for the operation of the alarm system, and the contact information for the building caretaker that will be responding to the alarm location within 45 minutes to secure the building. All alarm systems installed in the Town of Alton shall have a white flashing strobe light, installed on the exterior of the building, to indicate an alarm activation. This white flashing strobe light shall be visible from the street. Knox Box order forms are available at the Alton Fire/Rescue Department.**

### **Section 3. PROCEDURES FOR VIOLATIONS**

- 3.1 3.1 The Town shall impose the following fees on property owners whenever a Security false alarm is activated:
- a. a. 1<sup>st</sup> offense = no charge
  - b. b. 2<sup>nd</sup> offense within one year from the date of the first offense = \$50.00
  - c. c. 3<sup>rd</sup> offense within one year from the date of the first offense = \$100.00
  - d. d. 4<sup>th</sup> or more offenses within one year from the date of the first offense = \$250.00 per occurrence
- 3.2 3.2 The Town shall impose the following fees on property owners whenever a Fire false alarm is activated:

- a. a. 1<sup>st</sup> offense = no charge
- b. b. 2<sup>nd</sup> offense within one year from the date of the first offense = \$250.00
- c. c. 3<sup>rd</sup> offense within one year from the date of the first offense = \$500.00
- d. d. 4<sup>th</sup> or more offenses within one year from the date of the first offense = \$750.00 per occurrence

- 3.3 3.3 All fees should be made payable to the Town of Alton.
- 3.4 3.4 In the event a second offense takes place more than one year after the date of the first offense, this event shall be deemed as another first offense with no charges being applied.
- 3.5 3.5 The Police Department shall forward all bills to the property owners for all false alarm charges on a quarterly basis, upon consultation with the Fire Department. A person being billed for false alarms charges shall have thirty (30) days to submit payment; otherwise he/she may be guilty of a violation.
- 3.6 3.6 The Town may prosecute the property owner for all violations of the Ordinance. A violation may result in fines up to five hundred dollars (\$500.00) per day, for every day or portion thereof, for as long as the violation continues. The penalty would include enforcement through the judicial system.
- 3.7 3.7 Any person, who is to be a subject of prosecution by the Town for a violation of this Ordinance, shall have his/her alarm system disconnected from the Police and/or Fire Department alarm system by the Town. The Police Department shall provide suspected violators with a seven (7) day written notice of the Towns intentions to prosecute a violation and the disconnection of an alarm system. Violators will be processed through either District Court or Small Claims Court. In addition, all alarm users must be registered and licensed with the Police Department and anyone operating an alarm system that has been suspended would be in violation of the ordinance.
- 3.8 3.8 Whenever a particular alarm system has resulted in twelve (12) or more false alarms during a period of twelve consecutive months, the Police Department shall send to the property owner responsible for the alarm system, a seven (7)

day written notice that the alarm system will be disconnected from the Police and/or Fire Department alarm system.

**Section 4. APPEALS PROCESS**

- 4.1 4.1 Any person who is aggrieved by the enforcement of any provisions of this Ordinance may submit a written request to the Board of Selectmen for a hearing. Hearings shall be held at the Selectmen's earliest convenience in a public session, upon seventy-two hours (72) written notification to the aggrieved party of the date and time of the hearing.
- 4.2 4.2 During such time s an appeal is pending, the Town shall not disconnect any alarm systems, but a violation may continue for every day or portion hereof while a bill remains unpaid. To avoid this circumstance from happening, the Town recommends that payment is submitted with a request for appeal. In the event that the aggrieved party prevails at the hearing, the Town shall refund any payments received with interest at a rate of 0.03% (0.0003) per day, for every full day during which the Town possessed the payment.
- 4.3 4.3 A statement which describes a summary of the appeal process shall accompany every bill and notification of impending action by the Town.

**SECTION 5. TAPE DIALER PROHIBITED.**

- 5.1 5.1 The use of direct dialer tape alarms within the Town of Alton is prohibited, unless written authorization is granted by the Police Chief or Fire Chief. Neither the Police Department nor the Fire Department shall respond to any unauthorized direct dialer alarms, and any person responsible for the use of such alarm shall be guilty of a violation of this Ordinance in accordance with the provisions of Section 3.

**SECTION 6. EXEMPTIONS.**

- 6.1 6.1 All property which is owned by the Town of Alton, including public school buildings, shall be exempt from the administration and fee procedures as described herein.

IN WITNESS WHEREOF, this Ordinance shall become effective as of the date above written. The Alton Board of Selectmen hereby adopts

and approves this ORDINANCE RELATIVE TO FALSE ALARMS,  
on this the 25<sup>th</sup> day of July, 2005; ATTEST

Adopted July 25, 2005

ALTON BOARD OF SELECTMEN:

Alan Sherwood, Chairman Alan B. Sherwood

Cris Blackstone, Vice Chairman CRIS BLACKSTONE

Stephan McMahon, Selectman Stephan McMahon

Patricia Fuller, Selectman Patricia M. Fuller

A. Pete Shibley, Selectmen A. Pete Shibley

