

TOWN OF BENNINGTON

PRIVATE ALARM ORDINANCE

ARTICLE 26

SECTION 1 - PURPOSE

Businesses and residences are providing protection from burglary, robbery, and fire by means of electronic alarm devices. Unfortunately, human and mechanical errors are causing the Bennington Police Department and the Bennington Fire Department to respond to a significant number of false alarms.

The emergency response to each false alarm requires the deployment of personnel and vehicles to unfounded situations, effectively removes them from the designated service of protecting life and property, and results in unnecessary expenditure of public funds.

SECTION 2 - DEFINITIONS

1. "Alarm System": Any mechanism or device used in a building or on premises for the detection of unauthorized entry, criminal activity, or fire and which is designed to transmit to any receiving station a signal or other message indicating an occurrence requiring a police response. For the purposes of this ordinance, "alarm systems" shall also include those alarms received by private alarm companies, who then in turn notify the police department. Communications center for dispatch to police or fire services.
2. "Alarm System User": Any person, partnership, corporation, or any other entity in control of any building or premises where an alarm system is installed, operated, or maintained.
3. "Chief": The Chief of the Bennington Police Department.
4. "Public Safety Director". The Public Safety Director for the Town of Bennington.
5. "False Alarm": Any alarm signal eliciting a response from the police or fire department when the situation requiring the response does not, in fact, exist. *An alarm signal caused by violent conditions of nature or other extraordinary circumstances beyond the control of the user does not constitute a false alarm.*

6. "Audible On-Site Alarm": Any mechanism or device which, when activated, causes an audible or visual signal to be activated only in the building or on the premises where the system is installed and operated.
7. "Department": The Bennington Police Department and/or Bennington Fire Department.

SECTION 3 - PROHIBITED ALARMS

It is unlawful to install, operate, or maintain an alarm system which transmits via telephone line directly to the police department communications center a pre-recorded message requesting a response by the department.

SECTION 4 - FALSE ALARM PROCEDURES, SERVICE CHARGES, FEES, AND COLLECTIONS

1. An alarm system user shall be responsible for all false alarms generated by their system or devices.
2. The Chief/Public Safety Director, or his/her designee, 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. Six (6) month periods shall start January 1 and July 1 of each year.
 - b. A second false alarm within the six (6) month period shall result in a charge of \$50. Third and subsequent false alarms in the same six (6) month period shall result in a charge of \$75 each.
3. The User shall have the right to appeal to the Chief/Public Safety Director as to any matter pertaining to fees and charges. The Chief/Public Safety Director shall make a determination.
4. All fees must be paid within fourteen (14) days of the date of receipt of notice. Failure to pay fee and charges within thirty (30) days of receipt of notice, shall result in the fees doubling. The fees shall continue to increase every thirty (30) days at the rate noted in Section 4, paragraph 2. b. until paid in full. Failure to pay all fees within 60 days shall result in a lien against the property.

SECTION 5 - REGISTRATION OF ALARM SYSTEMS

Any alarm system user who owns or operates an alarm system within the Town of Bennington shall provide the Chief/Public Safety Director with written information containing the names, addresses, and telephone numbers of the alarm system user and at least two (2) persons who can be notified to respond to the alarm and secure the premises during any hour of the day or night. The alarm system user is also responsible for providing any pertinent information concerning the building or premises to the Chief/Public Safety Director. The alarm system user is also responsible for immediately notifying the Chief/Public Safety Director of any changes in any information.

SECTION 6 - AUDIBLE ON-SITE ALARMS

Audible on-site alarms which may be heard in any public place shall be equipped and maintained to automatically shut off no longer than thirty (30) minutes after being activated.

SECTION 7 - EXCEPTIONS

Any building or premises owned by the Town of Bennington, the Bennington School District, the Mount Anthony Union, the Village School of North Bennington or the Southwestern Vermont Medical Health Care Corporation shall be exempt from fees or charges.

SECTION 8 - ENFORCEMENT

Any alarm system user violating any of the provisions of this ordinance, including the failure to pay the fees designated herein, shall be punished by a fine not to exceed \$100.00

SECTION 9 - LIABILITY OF TOWN

The Town's regulation of alarm systems shall not constitute acceptance by the Town of Bennington for any liability to maintain any equipment, answer any alarms, or any other action in connection therewith. In the event the Town finds it necessary to require users to cease transmitting signals from alarm systems for non-compliance with any section of this ordinance, the Town shall not be held liable for such action.

SECTION 10 - SEVERABILITY

If any section, subsection, or any part thereof is for any reason held to be invalid by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance.

THIS ORDINANCE IS HEREBY ADOPTED by the Select Board of the Town of Bennington, and shall unless a petition is filed as provided by law, become effective upon the expiration of sixty (60) days after said date of adoption.

Dated at Bennington, Vermont this 13th day of April, 2015:

Select Board
Town of Bennington, Vermont

Sharyn L. Brush

Donald A. Campbell

Jim Carroll

Justin J. Corcoran

Thomas H. Jacobs

Michael A. Keane

John C. McFadden

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