

## Chapter 203

### ALARM SYSTEMS

#### 203-1 PURPOSE

- A. The purpose of this Chapter is to encourage alarm users and alarm companies to properly use and maintain the operational effectiveness of Alarm Systems in order to improve the reliability of Alarm Systems and reduce or eliminate False Alarms in Newtown.
- B. This Chapter governs Alarm Systems intended to summon law enforcement and fire department responses, and requires registration, establishes fees, provides for penalties for violations, establishes a system of administration, and sets conditions for suspension of emergency response or revocation of registration.

#### 203-2 DEFINITIONS

For the purpose of this Chapter, the following terms and phrases shall have the following meanings:

**ALARM ADMINISTRATOR-** means The Chief of Police or his designee who shall administer, control and review False Alarm reduction efforts and administers the provisions of this Chapter.

**ALARM INSTALLATION COMPANY-** means a Person in the business of selling, providing, maintaining, servicing, repairing, altering, replacing, moving or installing an Alarm System in an Alarm Site.

**ALARM DISPATCH REQUEST-** means a notification to an Emergency Communications Center that an alarm, either manual or automatic, has been activated at a particular Alarm Site.

**ALARM REGISTRATION-** means authorization granted by the Alarm Administrator to an Alarm User to operate an Alarm System.

**ALARM SITE-** means a single fixed premise or location served by an Alarm System or Systems. Each unit, if served by a separate Alarm System in a multi-unit building or complex, shall be considered a separate Alarm Site.

**ALARM SYSTEM-** means a device or series of devices, including, but not limited to, hardwired systems and systems interconnected with a radio frequency method such as cellular or private radio signals, which emit or transmit a remote or local audible, visual or electronic signal indicating an alarm condition and intended to summon law enforcement or fire department responses, including Local Alarm Systems. Alarm

System does not include an alarm installed in a vehicle or on someone's person unless the vehicle or the personal alarm is permanently located at a site.

**ALARM USER-** means any Person, who has contracted for monitoring, repair, installation or maintenance service from an Alarm Installation Company or Monitoring Company for an Alarm System, or who owns or operates an Alarm System, which is not monitored, maintained or repaired under contract.

**ARMING STATION-** means a device that allows control of an Alarm System.

**AUTOMATIC VOICE DIALER-** means any electrical, electronic, mechanical, or other device capable of being programmed to send a prerecorded voice message, when activated, over a telephone line, radio or other communication system, to a law enforcement, public safety or emergency services agency requesting dispatch.

**CANCELLATION-** means the process where response is terminated when a Monitoring Company (designated by the Alarm User) for the Alarm Site notifies the Emergency Communications Center representing responding law enforcement agency or fire department units that there is not an existing situation at the Alarm Site requiring law enforcement agency or fire department response after an Alarm Dispatch Request.

**CONVERSION-** means the transaction or process by which one Alarm Installation Company or Monitoring Company begins the servicing and/or Monitoring of a previously unmonitored Alarm System or an Alarm System previously serviced and/or monitored by another alarm company.

**DURESS ALARM-** means a silent Alarm System signal generated by the entry of a designated code into an Arming Station in order to signal that the Alarm User is being forced to turn off the system and requires law enforcement response.

**FALSE ALARM-** means an Alarm Dispatch Request for a law enforcement agency response, when the responding law enforcement officer finds no evidence of a criminal offense or attempted criminal offense after having completed a timely investigation of the Alarm Site; or the activation of an Alarm System through mechanical failure, malfunction, improper installation or negligence of the owner or lessee of an alarm system or of his employees or agents; or an Alarm Dispatch Request for a fire department response when responding fire personnel find no evidence of a fire/smoke related problem(s) after having completed a timely investigation of the Alarm Site.

**FULL RESPONSE STATUS-** is when an Alarm Site is properly registered and in good standing with the Alarm Administrator. All Alarm Dispatch Requests will be processed according to this policy.

**HOLDUP ALARM-** means a silent alarm signal generated by the manual activation of a device intended to signal a robbery in progress.

**LOCAL ALARM SYSTEM-** means any Alarm System, which is not monitored, that annunciates an alarm only at the Alarm Site.

**MONITORING-** means the process by which a Monitoring Company receives signals from an Alarm System and relays an Alarm Dispatch Request to the municipality for the purpose of summoning law enforcement or fire department personnel to the Alarm Site.

**MONITORING COMPANY-** means a Person in the business of providing Monitoring services.

**ONE PLUS DURESS ALARM-** means the manual activation of a silent alarm signal by entering at an Arming Station a code that adds one to the last digit of the normal arm/disarm code (e.g., normal code = 1234, One Plus Duress Code = 1235)

**PANIC ALARM-** means an audible Alarm System signal generated by the manual activation of a device intended to signal a life threatening or emergency situation requiring law enforcement response.

**PERSON-** means an individual, corporation, partnership, association, organization or similar entity.

**RESPONDER/KEY HOLDER-** means an individual capable of reaching the Alarm Site within 20 minutes and having access to the Alarm Site, the code to the Alarm System and the authority to approve repairs to the Alarm System.

**SUSPENSION OF RESPONSE-** means law enforcement will not respond to an Alarm Dispatch Request from Monitoring Company or Local Alarm System activation. Exception; if a key holder arrives and finds evidence of a forced entry. (Note at no time does the Town of Newtown or the Newtown Police Department wish any person to put himself or herself in harms way).

**SIA CONTROL PANEL STANDARD CP-01-** means the ANSI – American National Standard Institute 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 the incidence of false alarms. Control panels built and tested to this standard by Underwriters Laboratory (UL), or other nationally recognized testing organizations, will be marked to state: “Design evaluated in accordance with SIA CP-01 Control Panel Standard Features for False Alarm Reduction”.

**TAKEOVER-** means the transaction or process by which an Alarm User takes over control of an existing Alarm System, which was previously controlled by another Alarm User.

**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



- (3) for each Alarm System located at the Alarm Site, the classification of the Alarm System (i.e. burglary, Holdup, Duress, Panic Alarms, Fire or other) and for each classification whether such alarm is audible or silent;
- (4) mailing address, if different from the address of the Alarm Site;
- (5) any dangerous or special conditions present at the Alarm Site (hazardous materials, animals, etc);
- (6) names and telephone numbers of at least two individuals who are able and have agreed to: (a) receive notification of an Alarm System activation at any time; (b) respond to the Alarm Site within 20 minutes; and (c) upon request can grant access to the Alarm Site and deactivate the Alarm System if necessary;
- (7) type of business conducted at a commercial Alarm Site;
- (8) signed certification from the Alarm User stating the following:
  - (a) the date of installation, Conversion or Takeover of the Alarm System, whichever is applicable;
  - (b) the name, address, and telephone number of the Alarm Installation Company or companies performing the Alarm System installation, Conversion or Takeover and of the Alarm Installation Company responsible for providing repair service to the Alarm System;
  - (c) the name, address, and telephone number of the Monitoring Company if different from the Alarm Installation Company;
  - (d) that a set of written operating instructions for the Alarm System, including written guidelines on how to avoid False Alarms, have been left with the applicant by the Alarm Installation Company; and
  - (e) that the Alarm Installation Company has trained the applicant in proper use of the Alarm System, including instructions on how to avoid False Alarms.
  - (f) that the Alarm Site is properly marked with the street name and street number at the roadside entrance and on the building itself. Markings will be a minimum of three (3) inch lettering in contrasting color to the background and clearly visible from the roadway.
- (9) that law enforcement or fire department response may be influenced by factors including, but not limited to the availability of units, priority of

calls, weather conditions, traffic conditions, emergency conditions, staffing levels, etc.

- (10) that access to the Alarm Site shall be free and clear of debris, snow, water, locked gates or fences, etc. allowing safe access to and within the site to include animals on property to be secured.
- E. Any false statement of a material fact made by an applicant for the purpose of obtaining an Alarm Registration shall be sufficient cause for refusal to issue a registration.
- F. An Alarm Registration cannot be transferred to another Person or Alarm Site. An Alarm User shall inform the Alarm Administrator of any change that alters any of the information listed on the Alarm Registration application within five (5) business days of such change.
- G. All fines and fees owed by an applicant must be paid before an Alarm Registration may be issued or renewed.

#### **203-4 ALARM REGISTRATION DURATION AND RENEWAL**

The Alarm Administrator may consider periodically that all Alarm Registrations have expired when it becomes necessary to update the Alarm Registration database. If this occurs Alarm Registrations must be renewed, by submitting an updated application to the Alarm Administrator. The Alarm Administrator shall notify each Alarm User of the need to renew sixty (60) days prior to a predetermined date as chosen by the Alarm Administrator. It is the responsibility of the Alarm User to submit an application prior to the predetermined registration date. Failure to renew can lead to sanctions as outlined within this Chapter.

#### **203-5 DUTIES OF THE ALARM USER**

- A. An Alarm User shall:
  - (1) maintain the Alarm Site and the Alarm System in a manner that will minimize or eliminate False Alarms;
  - (2) make every reasonable effort to have a Responder to the Alarm System's location within 20 minutes when requested by the Emergency Communication Center representing law enforcement personnel or fire department personnel in order to:
    - (a) deactivate an Alarm System;
    - (b) provide access to the Alarm Site; and/or

- (c) provide alternative security for the Alarm Site.
- (3) not activate an Alarm System for any reason other than an occurrence of an event that the Alarm System was intended to report.
- B. An Alarm User shall adjust the mechanism or cause the mechanism to be adjusted so that an alarm signal audible on the exterior of an Alarm Site will sound for no longer than ten (10) minutes after being activated.
- C. An Alarm User shall have an Alarm Installation Company inspect the Alarm System after three (3) False Alarms in a one (1) calendar year period provided that the False Alarms have been related to a defect or malfunction in the Alarm System. After fourth False Alarm within a one (1) calendar year period due to defect or malfunction in the Alarm System, the Alarm User must have the Alarm Installation Company modify the Alarm System to be more false alarm resistant.
- D. An Alarm User shall not use Automatic Voice Dialers.
- E. An Alarm User shall maintain at each Alarm Site, a set of written operating instructions for each Alarm System.
- F. All Alarm Users shall agree with their Alarm Installation Company and/or Monitoring Company to go through an "acclimation period" for the first seven (7) days after installation of an Alarm System during which time the Alarm Installation Company and/or Monitoring Company will have no obligation to and will not respond to any Alarm Signal from the Alarm Site and will not make an Alarm Dispatch Request to law enforcement, even if the Alarm Signal is the result of an actual alarm event.

**203-6 DUTIES OF ALARM INSTALLATION COMPANY AND MONITORING COMPANY**

- A. The Alarm Installation Company shall provide written and oral instructions to each of its Alarm Users in the proper use and operation of their Alarm Systems. Such instructions will specifically include all instructions necessary to turn the Alarm System on and off and to avoid False Alarms.
- B. Upon the effective date of this Ordinance, Alarm Installation Companies shall not program Alarm Systems so that they are capable of sending One Plus Duress Alarms. Monitoring Companies may continue to report One Plus Duress Alarms received from Alarm Systems programmed with One Plus Duress Alarms prior to enactment of this Ordinance. However, upon the effective date of this Ordinance, when a Takeover or Conversion occurs or if an Alarm User requests an Alarm System inspection or modification pursuant to Section 203-5 C of this Ordinance, an Alarm Installation Company must remove the One Plus Duress Alarm capability from such Alarm Systems.

- C. Upon the effective date of this Ordinance, Alarm Installation Companies shall not install a device to activate a Holdup Alarm, which is a single action, non-recessed button.
- D. Ninety (90) days after enactment of this Ordinance the Alarm Installation Companies shall, on new installations, use only alarm control panel(s) which meet SIA Control Panel Standard CP-01.
- E. An alarm company shall not use Automatic Voice Dialers.
- F. The Monitoring Company shall not make an Alarm Dispatch Request of a law enforcement agency in response to a burglar alarm signal, excluding Panic, Duress and Holdup signals, during the first seven (7) days following an Alarm System installation. The Alarm Administrator may grant an Alarm User's request for an exemption from this waiting period based upon a determination that special circumstances substantiate the need for the exemption.
- G. A Monitoring Company shall:
  - (1) Verify every alarm signal, except a Duress or Holdup Alarm activation before requesting a law enforcement response to an Alarm System signal;
  - (2) communicate Alarm Dispatch Requests to the municipality in a manner and form determined by the Alarm Administrator;
  - (3) communicate Cancellations to the municipality in a manner and form determined by the Alarm Administrator;
  - (4) ensure that all Alarm Users of Alarm Systems equipped with a Duress, Holdup or Panic Alarm are given adequate training as to the proper use of the Duress, Holdup or Panic Alarm;
  - (5) communicate any available information (north, south, front, back, floor, etc.) about the location on all alarm signals related to the Alarm Dispatch Request;
  - (6) communicate type of alarm activation (silent or audible, interior or perimeter);
  - (7) provide an Alarm User registration number when requesting law enforcement dispatch;
  - (9) after an Alarm Dispatch Request, promptly advise the law enforcement agency if the Monitoring Company knows that the Alarm User or the Responder is on the way to the Alarm Site;

- (10) attempt to contact the Alarm User or Responder within 24 hours via mail, fax, telephone or other electronic means when an Alarm Dispatch Request is made;
  - (11) upon the effective date of this Ordinance, Monitoring Companies must maintain for a period of at least one (1) year from the date of the Alarm Dispatch Request, records relating to Alarm Dispatch Requests. Records must include the name, address and telephone number of the Alarm User, the Alarm System Zone(s) activated, the time of Alarm Dispatch Request and evidence of an attempt to Verify. The Alarm Administrator may request copies of such records for individually named Alarm Users. If the request is made within sixty (60) days of an Alarm Dispatch Request, the Monitoring Company shall furnish requested records within three (3) business days of receiving the request. If the records are requested between sixty (60) days to one (1) year after an Alarm Dispatch Request, the Monitoring Company shall furnish the requested records within thirty (30) days of receiving the request; and
  - (12) report alarm signals by using telephone numbers designated by the Alarm Administrator.
- H. An Alarm Installation Company and/or Monitoring Company that purchases Alarm System accounts from another Person shall notify the Alarm Administrator of such purchase and provide details as may be reasonably requested by the Alarm Administrator.

**203-7 DUTIES AND AUTHORITY OF THE ALARM ADMINISTRATOR**

- A. The Alarm Administrator shall:
  - (1) designate a manner, form and telephone numbers for the communication of Alarm Dispatch Requests; and
  - (2) establish a procedure to accept Cancellation of Alarm Dispatch Requests.
- B. The Alarm Administrator shall establish a procedure to record such information on Alarm Dispatch Requests necessary to permit the Alarm Administrator to maintain records, including, but not limited to, the information listed below.
  - (1) identification of the registration number for the Alarm Site;
  - (2) identification of the Alarm Site;
  - (3) date and time Alarm Dispatch Request was received, including the name of the Monitoring Company and the Monitoring operator name or number;
  - (4) date and time of law enforcement officer arrival at the Alarm Site;

- (5) Zone and Zone description, if available;
  - (6) weather conditions if applicable to the expected response;
  - (7) name of Alarm User's representative at Alarm Site, if any;
  - (8) identification of the responsible Alarm Installation Company or Monitoring Company;
  - (9) whether a law enforcement officer or fire department personnel were unable to locate the address of the Alarm Site; and
  - (10) cause of alarm signal, if known.
- C. The Alarm Administrator shall establish a procedure for the notification to the Alarm User of a False Alarm. The notice shall include the following information:
- (1) the date and time of law enforcement response or fire department response to the False Alarm;
  - (2) the identification number of the responding law enforcement officer or the responding fire companies; and
  - (3) a statement urging the Alarm User to ensure that the Alarm System is properly operated, inspected, and serviced in order to avoid False Alarms and resulting fines.
- D. The Alarm Administrator may require a conference with an Alarm User and the Alarm Installation Company and/or Monitoring Company responsible for the repair or monitoring of the Alarm System to review the circumstances of each False Alarm.
- E. The Alarm Administrator may require an Alarm User to remove a Holdup Alarm that is a single action, non-recessed button, if a false Holdup Alarm has occurred.
- F. The Alarm Administrator will make a copy of this Ordinance and/or an Ordinance summary sheet available to the Alarm User.

**203-8 FINES**

- A. An Alarm User shall be subject to fines, depending on the number of False Alarms within the 12-month calendar year period. Any and all fines not paid in full within 30 days of billing could place the Alarm Site on a "Suspension of Response" status. If an Alarm User is placed on Suspension of Response Status, once an account is paid in full, the account will be returned to "Full response" status.

- B. In addition, any Person operating a non-registered Alarm System will be subject to a fine (**See Section 203-13**) for each False Alarm in addition to any other fines. The Alarm Administrator may waive this additional fine for a non-registered system if the Alarm User submits an application for Alarm Registration within ten (10) days after of notification of such violation.
- C. If Cancellation occurs prior to law enforcement arriving at the scene, this is not a False Alarm for the purpose of fines, and no fines will be assessed.
- D. The Alarm Installation Company shall be assessed a fine of (**See Section 203-13**) if the officer responding to the False Alarm determines that an on-site employee of the Alarm Installation Company directly caused the False Alarm. In this situation, the False Alarm will not be counted against the Alarm User.
- E. The Monitoring Company shall be issued a fine of (**See Section 203-13**) for each failure to Verify Alarm System signals as specified in Section 203-6 G (1).
- F. The Alarm Installation Company shall be issued a fine of (**See Section 203-13**) if the Alarm Administrator determines that an Alarm Installation Company employee knowingly made a false statement concerning the inspection of an Alarm Site or the performance of an Alarm System.
- G. Notice of the right of Appeal under this ordinance will be included with any fines.

**203-9 NOTIFICATION**

The Alarm Administrator shall notify the Alarm User in writing after each False Alarm. The notification shall include: the date and time of the response; and the amount of the fine for the False Alarm if applicable.

The Alarm Administrator will notify the Alarm User and the Alarm Installation Company or Monitoring Company in writing after alarm response has been suspended, the exception being responses to Duress, Holdup and Panic Alarms. This notice of suspension will also include the amount of the fine for each False Alarm and a description of the appeals procedure available to the Alarm User and the Alarm Installation Company or Monitoring Company.

**203-10 SUSPENSION OF RESPONSE**

- A. The Chief of Police may suspend law enforcement response to an Alarm Site by revoking the Alarm Registration, subject to 203-11 subsections A & B, if it is determined that:
  - (1) the Alarm User has ten (10) or more False Alarms in a twelve (12) month calendar year period; or

- (2) there is a statement of a material fact known to be false in the application for a registration; or
  - (3) the Alarm User has failed to make timely payment of a fine assessed under Section 203-8 or fee assessed under Section 203-4;
- B. A Person commits an offense if he/she operates an Alarm System during the period in which the alarm registration is revoked and is subject to enforcement and penalties set in Sections 7 and 12. A Monitoring Company commits an offense if it continues Alarm Dispatch Requests to an Alarm Site after notification by the Alarm Administrator that the registration has been revoked and is subject to enforcement and penalties set forth in Section 12.
- C. Before any suspension of response is put in place by the Police Chief, a hearing will be held before the Police Commission. The Alarm Administrator shall send written notice of the *intended* action to suspend response and the date for the hearing to either the affected applicant or Alarm User and the Alarm Installation Company and/or Monitoring Company. The appropriate party will be provided at least 30-days notice of the hearing date. A decision will be made by the Police Commission no later than 30 days following the hearing. If the Police Commission approves suspension of response, it will go into effect upon written notification of this decision by registered mail to either the affected applicant or Alarm User and the Alarm Installation Company and/or Monitoring Company. Suspension of response will end when the Alarm Administrator informs the Police Commission the party in question has taken action to conform to the requirements of this ordinance.
- D. If it is found at the hearing that suspension of response to an alarm is warranted, until the party in question has taken action to conform to the requirements of this ordinance, the following actions may take place:
- 1) Unless there is separate indication that there is a crime in progress, the Chief of Police will refuse law enforcement response to an Alarm Dispatch Request at an Alarm Site for which the Alarm Registration is revoked.
  - 2) In addition to the sanctions outlined in Chapter 203-10 A, a shift supervisor may temporarily suspend the response of law enforcement personnel to a Burglar/Intruder Alarm Dispatch Request if in the opinion of the shift supervisor, the frequency and timing of Alarm Dispatch Requests to the same Alarm Site, indicates that the Alarm Dispatch Request is another False Alarm. (i.e.: Three Alarm Dispatch Requests with 1 hour period of time)
- E. If the Alarm Registration is reinstated pursuant to Section 11, the Chief of Police may again suspend law enforcement response to the Alarm Site by again revoking

the Alarm Registration, if it is determined that 2 False Alarms have occurred within 30 days after the reinstatement date. Before suspension of response can take place, the procedure for a hearing detailed in Section C will be followed.

## **203-11 APPEALS**

- A. All fines imposed, denials of renewal, denials of issuance or denial of reinstatements are subject to appeal. If the Alarm Administrator or Chief of Police assesses a fine or denies the issuance, renewal or reinstatement of an Alarm Registration, the Alarm Administrator shall send written notice of the intended action and a statement of the right to an appeal to either the affected applicant or Alarm User and the Alarm Installation Company and/or Monitoring Company. Said written notice of the right to appeal will stay the imposition of the Alarm Administrator's action until the 30 day appeal period ends or an appeal hearing decision has been rendered.
- B. The Alarm User, Alarm Installation Company or Monitoring Company may appeal an assessment of a fine or the revocation of an Alarm Registration to the Chief of Police by setting forth in writing the reasons for the appeal within thirty (30) business days after receipt of the fine, denial or notice of revocation. The written filing of a request for an appeal shall stay the action of the Alarm Administrator pending the appeal hearing decision.
- C. The Chief of Police will have thirty (30) business days to render a written decision of the appeal by the Alarm User, Alarm Installation Company or Monitoring Company.
- D. The Alarm User or the Alarm Installation Company or Monitoring Company may appeal the decision of the Chief of Police to the Town Hearing Officer following all procedures established for appeals by the Town Hearing Officer.
- E. The Alarm Administrator, Chief of Police or Town Hearing Officer may adjust (within their official capacity) the count of False Alarms based on:
  - (1) Evidence that a False Alarm was caused by an Act of God;
  - (2) Evidence that a False Alarm was caused by action of the telephone company;
  - (3) Evidence that a False Alarm was caused by a power outage lasting longer than four (4) hours;
  - (4) Evidence that the Alarm Dispatch Request was not a False Alarm;
  - (5) Evidence that the law enforcement officer response was not completed in a timely fashion; and/or

- (6) In determining the number of False Alarms, multiple alarms occurring in any twenty-four (24) hour period shall be counted as one False Alarm; to allow the Alarm User time to take corrective action unless the False Alarms are directly caused by the Alarm User.

**203-12 REINSTATEMENT**

- A. A Person whose Alarm Registration has been revoked may, at the discretion of the Alarm Administrator, have the Alarm Registration reinstated by the Alarm Administrator if the Person:
  - (1) submits a new application and pays a reinstatement fee;
  - (2) pays, or otherwise resolves, all outstanding citations and fines; and
  - (3) submits a certification from an Alarm Installation Company, stating that the Alarm System has been inspected and repaired (if necessary) by the Alarm Installation Company;
- B. In addition, the Alarm Administrator may require one or more of the following as a condition to reinstatement:
  - (1) proof that an employee of the Alarm Installation Company or Monitoring Company caused the False Alarm;
  - (2) upgrade the alarm control panel to meet SIA Control Panel Standard CP-01;
  - (3) a written statement from an independent inspector designated by the Chief of Police that the Alarm System has been inspected and is in good working order;
  - (4) confirmation that all motion detectors are “dual technology” type;
  - (5) confirmation that the Alarm System requires two independent zones to trigger before transmitting an alarm signal to the Monitoring Company;
  - (6) confirmation that the Alarm System requires two independent detectors to trigger before transmitting an alarm signal to the Monitoring Company;
  - (7) certification that the Monitoring Company will not make an Alarm Dispatch Request unless the need for law enforcement is confirmed by a listen-in device;
  - (8) certification that the Monitoring Company will not request an Alarm Dispatch unless the need for law enforcement is confirmed by a camera device; or

- (9) certification that the Monitoring Company will not make an Alarm Dispatch Request unless the need for law enforcement is confirmed by a Person at the Alarm Site.

**203-13 ENFORCEMENT AND PENALTIES**

- A. Enforcement of this Chapter may be by civil action as provided in, under municipal law.

The following shall be the penalties and fees assessed with the ordinance:

(1)	Registration Fee-	\$25.00
(2)	Renewal Fee-	N/A
(3)	Late Fee-	\$25.00
(4)	Fine for 1 <sup>st</sup> False Alarm-	N/A
(5)	Fine for 2 <sup>nd</sup> False Alarm-	N/A
(6)	Fine for 3 <sup>rd</sup> False Alarm-	N/A
(7)	Fine for 4 <sup>th</sup> False Alarm-	\$25.00
(8)	Fine for 5 <sup>th</sup> -10 <sup>th</sup> False Alarm-	\$50.00 each occurrence
(9)	Fine for 11 <sup>th</sup> -15 <sup>th</sup> False Alarm-	\$75.00 each occurrence
(10)	Fine for 16 <sup>th</sup> or more False Alarm-	\$99.00 each occurrence
(11)	Operation of a non-registered Alarm-	\$50.00
(12)	False Alarm caused by an on-site empl-	\$99.00
(13)	Monitoring Company Failure to Verify-	\$99.00
(14)	Reinstatement Fee-	\$50.00

- B. No fees, fines or penalties shall be charged for alarm systems installed in buildings owned or leased by the Town of Newtown, State of Connecticut or the United States of America. Municipal volunteer organizations, which provide emergency services to the Town of Newtown, shall also be exempt from fines, fees and penalties. All Newtown Departments and agencies, including the Board of Education shall be exempt from fines, fees and penalties imposed as a result of false alarms.
- C. All Newtown Departments and agencies, including the Board of Education, shall be responsible for adhering to the registration requirements of this Chapter. In addition, all Newtown Departments and agencies, including the Board of Education shall be responsible for taking corrective action on false alarms and shall work in cooperation with the Alarm Administrator in reducing unnecessary false alarms to Town-owned buildings or buildings occupied by Town agencies and departments.
- D. All fees, fines and penalties imposed under this Chapter, may be issued through invoice or citation.

**203-14 CONFIDENTIALITY**

In the interest of public safety, all information contained in and gathered through the Alarm Registration applications and applications for appeals shall be held in confidence by all employees or representatives of the municipality and by any third-party administrator or employees of a third-party administrator with access to such information.

**203-15 GOVERNMENT IMMUNITY**

An Alarm Registration is not intended to, nor will it, create a contract, duty or obligation, either expressed or implied, of a 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 law enforcement or fire department response may be influenced by factors such as: the availability of units, priority of calls, weather conditions, traffic conditions, emergency conditions, staffing levels and prior response history.

**203-16 CITATIONS**

Each violation of this Chapter can be considered an infraction and enforceable by citation at the discretion of the Alarm Administrator. Notwithstanding any language above to the contrary, the maximum fine for all citations issued as infractions under this chapter shall be \$99.00. Any person fined with a citation under this Chapter, may appeal that fine to the Town Hearing Officer following all procedures established for appeals by the Town Hearing Officer. All fines imposed with a citation, will be payable to the Town of Newtown.

**203-17 CITATION HEARING OFFICER**

The First Selectman, with the approval of the Board of Selectmen, shall appoint one Citation Hearing Officer, other than police officers or employees or persons who issue citations, to conduct the hearing authorized by § 203-12.

**203-18 APPEALS PROCEDURE**

- A. Newtown, at any time within 12 months from the expiration of the final period for the uncontested payment of fines, penalties, costs or fees for any citation issued under any ordinance adopted pursuant to C.G.S. § 7-148 or § 22a-226d, for an alleged violation thereof, shall send notice to the person cited. Such notice shall inform the person cited:
  - (1) Of the allegations against him and the amount of the fines, penalties, costs or fees due;

- (2) That he may contest his liability before a citation hearing officer by delivering in person or by mail written notice within 10 days of the date hereof;
  - (3) That if he does not demand such a hearing an assessment and judgment shall be entered against him; and
  - (4) That such judgment may issue without further notice.
- B. If the person who is sent notice pursuant to Subsection A of this section wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to an official designated by such municipality. Such payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of such person or other person making the payment. Any person who does not deliver or mail written demand for a hearing within 10 days of the date of the first notice provided for in Subsection A of this section shall be deemed to have admitted liability, and the designated municipal official shall certify such person's failure to respond to the hearing officer. The hearing officer shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth in Subsection D of this section.
- C. Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. Such hearing shall be held not less than 15 days nor more than 30 days from the date of the mailing of notice, provided the hearing officer shall grant, upon good cause shown, any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by the issuing official or policeman shall be filed and retained by the municipality, and shall be deemed to be a business record within the scope of C.G.S. § 52-180 and evidence of the facts contained therein. The presence of the issuing official or policeman shall be required at the hearing if such person so requests. A person wishing to contest his liability shall appear at the hearing and may present evidence on behalf of the municipality. If such person fails to appear, the hearing officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable statutes or ordinances. The hearing officer may accept from such person copies of police reports, investigatory and citation reports, and other official documents by mail and may determine thereby that the appearance of such person is unnecessary. The hearing officer shall conduct the hearing in the order and form and with such methods of proof as he deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The hearing officer shall announce his decision at the end of the hearing. If he determines that the person is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines that the person is liable for the violation, he shall

forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the applicable ordinances of the municipality.

- D. If such assessment is not paid on the date of its entry, the hearing officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than 30 days nor more than 12 months after such mailing, a certified copy of the notice of assessment with the clerk of a Superior Court facility designated by the Chief Court Administrator together with an entry fee of \$8. The certified copy of the notice of assessment shall constitute a record of assessment. Within such twelve-month period, assessments against the same person may be accrued and filed as one record of assessment. The clerk shall enter judgment, in the amount of such record of assessment and court costs of \$8, against such person in favor of the municipality. Notwithstanding any provision of the general statutes, the hearing officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment, and a levy of execution on such judgment may issue without further notice to such person.
- E. A person against whom an assessment has been entered pursuant to this section is entitled to judicial review by way of appeal. An appeal shall be instituted within 30 days of the mailing of notice of such assessment by filing a petition to reopen assessment, together with any entry fee in an amount equal to the entry fee for a small claims case pursuant to C.G.S. § 52-259, at a Superior Court facility designated by the Chief Court Administrator, which shall entitle such person to a hearing in accordance with the rules of the judges of the Superior Court.

### **203-19 SEVERABILITY**

The provisions of this Chapter 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.

Any Chapters in conflict herewith are hereby repealed to the extent of such conflict.

This Chapter shall take effect 15 days after publication.

Adopted by the Legislative Council of the Town of Newtown on September 3, 2008.

Francis G. Pennarola, Vice Chairman.