

## **Chapter 303**

### **Alarms**

#### **§303-1. Purpose**

The purpose of this Ordinance is to establish guidelines for the proper use of emergency alarm systems or devices and to establish a service fee to compensate for the inappropriate use of Town resources in response to false alarms.

#### **§303-2. Definitions**

**ALARM SYSTEM:** a system including any mechanism, equipment, or device designed to transmit a signal or warning from a private facility or residence to Lincoln County Emergency Communications Center or private security company that features two-way voice communication, or any stand alone audible system.

**DIRECT ALARM:** a device that is designed, or used to transmit an alarm signal directly from the location of the alarm to Lincoln County Emergency Communications Center without the need for two-way voice communication.

**FALSE ALARM:** the transmission of an emergency alarm or warning, whether intentional or unintentional, when a situation of emergency does not in fact exist. This is intended to include, but shall not be limited to; any alarm caused by malfunctioning equipment, or improperly maintained or monitored equipment. For the purposes of this Ordinance, this term is not intended to include transmissions caused by power outage, electrical storm, or other weather-related malfunction. Nor will the transmission be considered a false alarm if the permit holder, or his agent, notifies the appropriate department prior to the dispatch of emergency personnel and equipment.

#### **§303-3. Permit Requirements**

No person, firm, corporation, partnership, association or any other entity, shall install or operate an alarm system, which automatically transmits a signal or warning, to the Lincoln County Emergency Communications Center or private security company, or any stand alone audible alarm system, without first obtaining a permit.

Existing alarm systems will be grandfathered for a period of one (1) year to start with the adoption of this Ordinance. All initial permit fees will be waived for grandfathered systems.

#### **§303-4. Application for Permit**

(a) An Application for Permit to install, maintain, or operate an alarm system must be filed with the Police and Fire Departments on a form provided by the Department including, but not limited to the name, address, and telephone number of the installer of the system; the owner of the premises on which the system will be installed, and the lessee, if applicable; and description of the system and the location in which it is to be installed.

(b) The application fee shall be the amount included in the Town's fee schedule. The Board of Selectmen shall determine the application fees based on the Town's average administrative cost to process permit and license applications. These costs shall reflect the Town's estimated costs associated with the permitted or licensed activity including the administrative time for processing the application, any required initial and follow-up inspections, legal and other professional fees and the cost for public notices.

#### **§303-5. Approval of Application**

The Chief of Police, Fire Chief or their designee shall approve an application for a permit required by this Ordinance if it is found that the use of the alarm system will not interfere with the orderly conduct of Town business, that the owner of the system agrees to adequately maintain it in order to assure its proper functioning, and the proposed system and method of installation are proper. The Police/Fire Department shall provide a copy of the Alarms Ordinance as it pertains to alarms.

#### **§303-6. Terms of Permit, Transfer**

The permit to install and operate a private alarm system is valid for a period of three (3) years from the date of approval, unless terminated at the request of the holder or revoked as provided in the Ordinance. The permit may be renewed without charge at the request of the holder upon expiration. A permit issued under this Ordinance may not be transferred to another person or property.

#### **§303-7. Certain Information Confidential**

All information provided by the permit holder related to the type and location of the alarm system shall be held confidential to the extent permitted by law.

#### **§303-8. False Alarms**

(a) Any permit holder whose alarm system(s) causes the transmission of a false alarm to Lincoln County Communications Center, and subsequent response by the Police Department or Fire Department, three (3) times in any given calendar year shall pay a service fee of one hundred dollars (\$100.00) for each subsequent false alarm.

(b) When the allowable number of false alarms has been exceeded, for all subsequent false alarms in any calendar year, the Police/Fire Department shall notify the permit holder of the occurrence(s) of a false alarm, and shall inform the holder of the permit of the fee provisions of this section. **§303-9. Billing**

The Police Department will invoice permit holders on a monthly basis when the allowable false alarms have been exceeded. Payment is due within 10 calendar days after the invoice is issued. The invoice will contain at least: the permit holder's name and address, dates & times of occurrences, cause of alarm (if determined), and fee assessed. The invoice will also contain information to contact the Chief of Police or Fire Chief if the permit holder wishes to dispute the invoice.

#### **§303-10. Liability of Town or Others**

Notwithstanding the payment of any fee or the issuance of any permit under this chapter, the Town is under no obligation whatsoever concerning the adequacy, operation, or maintenance of the alarm device so installed. The Town, its agents and employees assume no liability whatsoever for any failure of such an alarm device.

#### **§303-11. Enforcement**

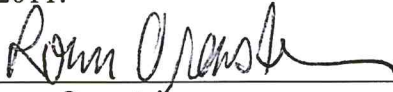
(a) The Chief of Police, Fire Chief or, their designee, shall revoke any permit issued under this Ordinance after reasonable written notice to the permit holder and an opportunity to be heard if it is determined that the alarm system has been installed, maintained, or operated in violation of this Ordinance or any condition of the permit, or who fails to pay any service fee required in §303-8 of this Ordinance within ten days after written notice that it is due and payable.

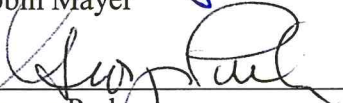
(b) Appeal Process. Upon receipt of the invoice or notice of suspension/revocation, permit holders will have 10 calendar days to appeal the invoice revocation, in writing, to the Chief of Police or Fire Chief. If still in dispute after the appeal, the permit holder can, within five (5) calendar days of meeting with the Chief, appeal, also in writing, to the Town Manager. If the dispute is not settled at this time, the permit holder may request, in writing, a hearing before the Board of Selectmen, to be scheduled by the Town Manager at the next regular Board of Selectmen meeting. The Board of Selectmen will have the final decision in the appeal process. A written decision will be kept on record within the Police Department's records.

(c) Penalty. Any violation of this Ordinance shall be punishable by a civil penalty of not more than one hundred dollars (\$100.00) for the first violation, two hundred dollars (\$200.00) for the second violation, and five hundred dollars (\$500.00) for the third and each subsequent violation.

The enactment of this ordinance hereby revises the Alarm Ordinance for the Town of Damariscotta, Maine as revised on March 16, 2011.

  
Robin Mayer

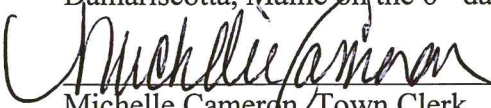
  
Ronn Orenstein

  
George Parker

  
James Cosgrove

  
Joshua Pinkham

Attest: A true copy of an ordinance entitled "Alarm Ordinance" for the Town of Damariscotta, Maine-June 15, 2016, as certified to me by the municipal officers of Damariscotta, Maine on the 6<sup>th</sup> day of July, 2016.

  
Michelle Cameron, Town Clerk  
Damariscotta, Maine

#### **Legislative History**

Enacted June 8, 2005, effective June 8, 2005

Amended March 16, 2011

Revised June 15, 2016; effective July 1, 2016