

ARTICLE II. ALARM SYSTEMS*

***Editor's note:** Ord. No. 04-02, adopted April 1, 2002, repealed the former Art. II, §§ 18-31--18-41, and enacted a new Art. II as set out herein. The former Art. II pertained to similar subject matter and was derived from Ord. No. 3-88, §§ 1, 2, 4--12, adopted March 14, 1988; Ord. No. 290, adopted May 31, 1990; and Ord. No. 5-92, adopted Aug. 18, 1992.

Sec. 18-31. Purpose of article.

The purpose of this article is to set forth regulations governing burglary, robbery, fire, medical assistance and/or any other emergency or alarm systems, businesses and agents within the Town of Berlin, to require permits therefore, to provide the authority to establish fees, and to provide for punishment of violations of provisions of this article. (Ord. No. 04-02, § 1, 4-1-2002)

Sec. 18-32. Definitions.

For the purpose of this article, certain words and phrases shall be construed herein as set forth in this section unless it is apparent from the context that a different meaning is intended.

Alarm agent means any person who is employed by an alarm business, either directly or indirectly, whose duties include any of the following: selling, maintaining, leasing, servicing, repairing, altering, replacing, removing, responding to, monitoring of, or installing on or in any building, structure or facility, any alarm system.

Alarm business means the occupation by any person of selling, leasing, maintaining, servicing, repairing, altering, replacing, moving, monitoring of, responding to, or installing any alarm system or causing to be sold, leased, maintained, serviced, repaired, altered, replaced, moved, monitored, responded to, or installed any alarm system in or on any building, structure or facility. Provided, however, that alarm business shall not include a business that engages in the manufacture or sale of an alarm system unless such business services, installs, monitors or responds to alarm systems.

Alarm device means any component incorporated into an alarm system.

Alarm system means any mechanical or electrical device that is designed or used for the detection of burglar, robbery, fire, medical assistance and/or any other emergency within a building, structure or facility or for altering others of the commission of any unlawful act, hazard or emergency within a building, structure or facility, or both, which emits a sound or transmits a signal or message when activated. Devices that are not designed or used to register alarms that are audible, visible or perceptible outside of the protected building, structure or facility are not included within this definition.

Chief fire marshal means the Chief Fire Marshal of the Town of Berlin.

Chief of police means the Chief of Police of the Town of Berlin.

Communications center means any location in the Town of Berlin used to receive and/or dispatch requests for emergency service.

False alarm means:

(1) The activation of an alarm system through mechanical failure, malfunction, improper installation or the negligence of the owner or lessee of an alarm system or his employees or agents; or

(2) Use of an alarm system to summon police or fire department personnel for reasons other than those listed on alarm system user permits.

A false alarm shall not include alarm activation caused by the malfunction of telephone company equipment or by an act of God.

It shall be a rebuttable presumption that a false alarm has occurred when an alarm system is activated and no evidence of attempted entry or fire emergency to warrant activation exists. In such instances, the chief of police shall determine whether a false alarm has occurred, with the exception that the chief fire marshal shall determine whether a false alarm has occurred to any fire alarm system.

Fire alarm system means any alarm system regulated by G.S. § 29-292 and/or the Connecticut Fire Safety Code. Devices that are not designed or used to register alarms that are audible, visible or perceptible outside of the protected building, structure or facility are not included within this definition.

Intentional false alarm means knowingly engaging an alarm system with intent to produce a false alarm.

Permittee means any person who shall be granted a permit as provided in this article, including agents and representatives thereof.

Person means any natural person, firm, partnership, association, corporation, limited liability company or entity of any nature.

(Ord. No. 04-02, § 2, 4-1-2002)

Sec. 18-33. Permits required; term; liability of town; penalty for violation.

(a) No person shall possess or use an alarm system within the Town of Berlin without first applying for and receiving an alarm user permit.

(b) No person shall engage in, conduct or carry on an alarm business within the Town of Berlin without first applying for and receiving an alarm business permit.

(c) No person shall operate as an alarm agent within the Town of Berlin without first applying for and receiving an alarm agent permit.

(d) Any permit issued hereunder shall be valid for one year from the date of issuance.

(e) Any permit issued hereunder shall be predicated upon the express condition that the permittee shall indemnify and hold the Town of Berlin harmless from any and all damages arising out of the activities of any permittee.

(f) Any person who violates any of the provisions of this section shall be subject to a penalty of \$250.00.

(Ord. No. 04-02, §, 4-1-2002)

Sec. 18-34. Permit applications.

(a) All applications for alarm user permits shall be accompanied by an application fee of \$10.00 and filed with the communications center. The application must state where the alarm device or alarm system will be located, the name of the installer, the type of device or system, a list of persons to be contacted in the event of an alarm, and other information as may be required for the public's health and safety.

(b) All applications for alarm business or alarm agent permits shall be accompanied by an application fee of \$10.00 and a \$1,000.00 performance bond, and shall be filed with the communications center and the building inspector's office.

(c) All applications for permits under this section shall be forwarded by the communications center to the chief of police, who shall be the authority with power to grant or deny such applications, with the exception that the chief fire marshal shall be the authority with power to grant or deny such applications that involve any fire alarm system.

(d) All alarm devices and alarm systems are subject to approval by the chief of police prior to installation, with the exception of any fire alarm system, which shall be subject to approval by the chief fire marshal.
(Ord. No. 04-02, § 4, 4-1-2002)

Sec. 18-35. Alarm system connected to communications center.

(a) No alarm device or alarm system shall be connected, directly or indirectly, to or use any telephone line in the communications center unless authorized by the chief of police, provided that such connection is not required by G.S. § 29-292 or the Connecticut Fire Safety Code.

(b) Any person who violates any of the provisions of this section shall be subject to a penalty of \$250.00.

(Ord. No. 04-02, § 5, 4-1-2002)

Sec. 18-36. Alarm systems to be in good working order.

The installation or maintenance of alarm devices or alarm systems permitted by this article, including any connection to the communications center, shall be at no cost to the Town of Berlin. Each permittee shall maintain each alarm system in good working order so as to prevent malfunctions and false alarms.

(Ord. No. 04-02, § 6, 4-1-2002)

Sec. 18-37. Notification prior to service.

A permittee shall notify the communications center 15 minutes prior to any service, test, repair, maintenance, adjustment or alteration on the alarm device or alarm system. Any alarm device or alarm system activated by virtue of any such service, test, repair, maintenance, adjustment or alteration without such prior notice shall constitute a false alarm.

(Ord. No. 04-02, § 7, 4-1-2002)

Sec. 18-38. Suspension and revocation of permit.

The chief of police may suspend or revoke any permit issued under this article for violation of the terms of this article or other good cause, provided that the alarm system is not required by G.S. § 29-292 or the Connecticut Fire Safety Code. The chief of police may remove any alarm system connection from the communications center for violation of this article or for false alarms in excess of two in any calendar year, provided that such connection is not required by G.S. § 29-292 or the Connecticut Fire Safety Code.

(Ord. No. 04-02, § 8, 4-1-2002)

Sec. 18-39. Penalty for intentional false alarm.

Any person who causes an intentional false alarm within the Town of Berlin shall be subject to a penalty of \$500.00.

(Ord. No. 04-02, § 9, 4-1-2002)

Sec. 18-40. Penalties for false alarms.

Any person whose property is protected by an alarm system shall, for false alarms activated on such property, be penalized as follows:

(1) For the first two false alarms in any one calendar year, written warning.

(2) For the third false alarm in any one calendar year, a \$50.00 penalty with such penalty increasing in \$25.00 increments for each false alarm in any one calendar year thereafter.

(Ord. No. 04-02, § 10, 4-1-2002)

Sec. 18-41. Appeals procedure.

The denial of a permit, the suspension or revocation of a permit, the assessment of any penalties, or any other action taken by the chief of police or chief fire marshal pursuant to this article, may be appealed to the Berlin Town Manager or his designee within 30 days of the date of such action, and then, if necessary, to the superior court.

(Ord. No. 04-02, § 11, 4-1-2002)

Sec. 18-42. No duty to maintain communications center.

The Town of Berlin shall be under no duty or obligation to any permittee or any other person to maintain a communications center receiving module or other specialized equipment for the monitoring of any alarm system.

(Ord. No. 04-02, § 12, 4-1-2002)

Sec. 18-43. Enforcement.

(a) All fines or penalties paid pursuant to this article shall be payable to the Treasurer of the Town of Berlin.

(b) Failure to pay any penalty imposed under this article in full within 30 days of notice to the penalized person shall constitute a separate and distinct violation of this article and such penalty shall immediately double. Each month thereafter that the penalty remains unpaid shall constitute a separate violation and the penalty shall be increased by the original penalty amount.

(c) The Town of Berlin may institute civil proceedings and take such further action as it deems necessary to enforce the provisions of this article.

(Ord. No. 04-02, § 13, 4-1-2002)

Sec. 18-44. Construction.

Whenever used, the singular number shall include the plural, the plural the singular, and the use of any gender shall include both genders.

(Ord. No. 04-02, §14, 4-1-2002)